

CYPRESS GROVE

SCH NO. 2025060042

Final Environmental Impact Report

November 2025

Prepared for:
City of Tustin
300 Centennial Way
Tustin, CA 92780



Prepared by

E | P | D
SOLUTIONS, INC

949.794.1180
3333 Michelson Drive, Suite 500
Irvine, CA 92612

EPDSolutions.com

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1. Introduction

This Final Environmental Impact Report (Final EIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed Cypress Grove (proposed Project).

According to CEQA Guidelines Section 15132, the Final EIR shall consist of:

- (a) The Draft Environmental Impact Report (Draft EIR) or a revision of the Draft EIR;
- (b) Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process;
- (e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft EIR during the public review period, which began August 15, 2025, and ended on September 29, 2025. A Notice of Availability of the Draft EIR was published concurrently with distribution of the Draft EIR. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and represents the independent judgment of the lead agency, which is the City of Tustin. This document and the circulated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

1.1 FORMAT OF THE FINAL EIR

The following chapters are contained within this document:

Section 1.0, Introduction. This section describes CEQA requirements and the content of the Final EIR.

Section 2.0, Response to Comments. This section provides a list of agencies and organizations who commented on the Draft EIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

The City of Tustin has determined that none of this material constitutes significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Draft EIR and does not present any new substantive information. None of this new material indicates that the Project would result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

Section 3.0, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA Section 21081.6, CEQA Guidelines Section 15097). The MMRP was prepared based on the mitigation measures included in the Draft EIR and finalized in this Final EIR.

1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be “*on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible ... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*”

CEQA Guidelines Section 15204(c) further advises, “*Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*” Section 15204 (d) also states, “*Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.*” Section 15204 (e) states, “*This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.*”

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those agencies at least 10 days prior to certification of the Final EIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Draft EIR pursuant to CEQA.

2. Response to Comments

This section of the Final Environmental Impact Report (FEIR; Final EIR) for the Cypress Grove Project (Project) includes a copy of all comment letters that were submitted during the public review period for the Draft Environmental Impact Report (DEIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the DEIR began on August 15, 2025, and ended on September 29, 2025. A total of ten comment letters were received in response to the DEIR during the 45-day public review period, including two letters from public agencies and eight letters from individuals. Additionally, one comment letter from Orange County Fire Authority (OCFA) was received after the close of the public review period.

The responses amplify or clarify information provided in the DEIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the DEIR are warranted based on comments received, updated Project information, or other information provided by City staff, those changes are typically noted in the FEIR. However, no changes to the analysis contained in the DEIR were made. In accordance with CEQA Guidelines Section 15088.5, recirculation of the DEIR is not required.

All written comments received on the DEIR are listed in Table 3-1. All comment letters received on the DEIR have been coded with a number to facilitate identification and tracking. The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document with the corresponding responses provided immediately following each comment letter.

Table 3-1: Comments Received on the DEIR

Comment Letter	Commenter	Date
Agencies		
A1	SoCal Gas	August 20, 2025
A2	Orange County Public Works	September 25, 2025
A3	Orange County Fire Authority	September 30, 2025 (late)
Individuals		
I1	Andy Morrow	August 23, 2025
I2	Lynn Thai	September 13, 2025
I3	Curt Flemming	September 26, 2025
I4	Jennie Blonska	September 26, 2025
I5	Mike Murtaugh	September 26, 2025
I6	Beth Burger	September 27, 2025
I7	Leslie Niven	September 28, 2025
I8	Mauricio Cardenas	September 28, 2025

To finalize the EIR for the Project, the following responses were prepared to address these comments.

Comment Letter A1: SoCal Gas (1 page)

Jorge –

After reviewing the vicinity map provided, I do not see any conflicts with the proposed project. SoCalGas has facilities in the public streets on Prospect Ave / E 17th street but nothing that goes on to the private property you will be developing.

If you want copies of our existing facilities please send a copy of the vicinity map to our atlas / will serve department to request them.

The email is: AtlasRequests/WillServeAnaheim@semprautilities.com

Thank you,
Bryan Schellert

A1.1

Response to Comment Letter A1: SoCal Gas, August 20, 2025

Comment A1.1: This comment states that the proposed Project does not conflict with any existing SoCal Gas facilities. Additionally, the commenter provides contact information for any requests regarding existing facilities records.

Response to Comment A1.1: This comment is informational in nature and does not contain any information regarding changes to the Draft EIR. This comment will be forwarded to the Applicant team and City decisionmakers as part of the Final EIR.

Comment Letter A2: Orange County Public Works (1 page)

DocuSign Envelope ID: 43774E32-DFC9-4E6D-9D38-DD87E4674C5A



County Administration South
601 North Ross Street
Santa Ana, CA 92701
P.O. Box 4048
Santa Ana, CA 92702
(714) 667-8800
info@ocpw.ocgov.com
OCPublicWorks.com

- Administrative Services
OC Development Services
OC Facilities Design & Construction Management
OC Facilities Maintenance & CUF
OC Fleet Services
OC Construction
OC Environmental Resources
OC Operations & Maintenance
OC Infrastructure Programs
OC Survey



September 25, 2025

Jorge Maldonado, Senior Planner
City of Tustin
Community Development Department
300 Centennial Way
Tustin, CA 92780

Subject: NCL-25-0006 – Notice of Availability of a Draft Environmental Impact Report (SCH No. 2025060042) for the Cypress Grove Residential Project

Dear Jorge Maldonado,

Thank you for the opportunity to comment on the Notice of Availability of a Draft Environmental Impact Report (Draft EIR) (SCH No. 2025060042) for the Cypress Grove Residential Project. The Infrastructure Programs/Traffic & Development Support Department offers the following comment:

- Please ensure adequate on-site parking shall be provided to prevent over-spill of parking onto nearby streets.

Thank you again for the opportunity to review the Draft EIR. If you have any questions regarding this comment, please contact Virginia Gomez at (714) 667-1614 for OC Development Services or Wei Zhu at (714) 647-3976 in OC Infrastructure Programs.

Please continue to keep the County of Orange on the distribution list for future notifications related to the Project.

Sincerely,

DocuSigned by: Virginia Gomez
ED76DCA58AD94B6...
Virginia Gomez, Senior Planner
OC Public Works /OC Development Services
601 North Ross Street
Santa Ana, California 92701
Virginia.Gomez@ocpw.ocgov.com

cc: Cindy Salazar, Planning Division Manager, OC Development Services
Wei Zhu, Civil Engineer, OC Infrastructure Programs

A2.1

Response to Comment Letter A2: Orange County Public Works, September 25, 2025

Comment A2.1: This comment requests that the Project ensures adequate parking is provided onsite to prevent spill over parking on adjacent roadways. The comment also requests to include Orange County Public Works on any future notifications related to the Project.

Response to Comment A2.1: The comment does not provide substantial evidence that the Project would result in significant environmental impacts. As described in Appendix A of the Draft EIR, the Project would be consistent with the Circulation Element of the General Plan and parking-related policies. Further, as described in the Draft EIR (Section 3.0, Project Description) and consistent with the Development Plan/Planned Community Regulations to be adopted as part of the Zone Change, the Project would be required to provide two enclosed garage parking spaces per dwelling unit, and one unassigned guest parking space for every four units. This equates to a total of 326 required parking spaces for the Project. The Project would provide 290 enclosed residential parking spaces and 40 designated visitor parking spaces along internal drive aisles, for a total of 330 spaces, exceeding the guest parking requirement by four spaces. Therefore, the Project would be consistent with parking requirements and would not conflict with parking-related General Plan policies.

Based on substantial evidence in the Draft EIR, no additional analysis or revisions are required

Comment Letter A3: Orange County Fire Authority (1 page)



ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602-0125

Brian Fennessy, Fire Chief

(714) 573-6000

www.ocfa.org

September 30th 2025 (SR 25004725)
jmaldonado@tustinca.org
Jorge Maldonado Senior Planner
 Subject: Notice of Availability DEIR for Cypress Grove Residential Project

Dear Jorge

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to 23 cities in Orange County and all unincorporated areas. The OCFA operates 78 fire stations throughout Orange County.

Per Title 14 CCR § 15164 Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

A3.1

We believe that the project will have less than a significant impact.

Please contact me at 714-573-6102 if you have any questions.

Sincerely,

Todd Letterman
 Assistant Fire Marshal
 Planning and Development
toddletterman@ocfa.org
www.ocfa.org

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 Lake Forest • La Palma • Los Alamitos • Mission Viejo • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Santa Ana
 Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE ALARMS SAVE LIVES

Response to Comment Letter A3: Orange County Fire Authority, September 30, 2025 (late)

Comment A2.1: This comment states that the Orange County Fire Authority (OCFA) has determined that the project would result in a less than significant impact on fire services. Additionally, the commenter provides a contact in the event that the City has any questions.

This comment has been noted for the record. No additional response is warranted.

Comment Letter 11: Andy Morrow (2 pages)

Dear Mr. Maldonado,

I am writing as a long-time resident of Tustin, living in the vicinity of the proposed Cypress Grove project site at 17852 17th Street. I have reviewed the Public Draft Environmental Impact Report (EIR) for this project and am deeply concerned about its potential impacts. As a member of this community, I strongly oppose the development of 145 residential units on the 8.5-acre site, particularly due to the significant strain it would place on our city’s already limited resources. While the EIR concludes that impacts on public services, utilities, transportation, and other areas are not significant, I believe this underestimates the cumulative effects on our growing city, especially in light of recent data on population pressures, water shortages, school capacities, and traffic congestion.

11.1

Tustin’s population has been steadily increasing. Adding 145 new housing units could introduce hundreds of new residents—potentially over 400 people, exacerbating existing strains on essential services. Our public services, including police and fire departments, are already stretched thin in a city of around 80,000 people. The EIR’s determination in Section 7 that impacts on public services would be less than significant fails to account for the broader context of regional growth, where even small additions contribute to longer response times and higher costs for taxpayers.

11.2

One of the most pressing concerns is the impact on our schools. The Tustin Unified School District (TUSD) is already addressing enrollment growth through measures like open enrollment transfers and a proposed \$261 million bond for classroom repairs, safety upgrades, and class size reductions. Introducing new families from this development would likely worsen overcrowding, leading to larger class sizes, reduced educational quality, and the need for additional funding that our community may not be able to support without tax increases.

11.3

Water resources are another critical area where this project would impose an unsustainable burden. Orange County is facing ongoing water challenges. The EIR’s scoping out of hydrology and utilities impacts ignores these real-time shortages, which could lead to mandatory restrictions and higher costs for all residents.

11.4

Traffic congestion in Tustin is already a daily frustration, and this project would only make it worse. The city’s participation in the 2025 Congestion Management Program, including traffic data collection

11.5

updates, highlights ongoing efforts to address bottlenecks. Adding hundreds of new vehicles from this dense development would intensify peak-hour delays, pollution, and safety risks, contradicting the EIR's findings of less-than-significant transportation impacts.

11.5
Cont.

Furthermore, while this project proposes for-sale units, developments like this often contribute to a broader influx of population, including renters in surrounding areas who benefit from city resources without directly contributing to the property tax base that funds them. In California, property taxes are a primary source of funding for local services such as schools, parks, roads, and public safety—accounting for about 28% of city revenues on average. Renters do not pay property taxes directly; instead, these costs are shouldered by property owners. As Tustin continues to grow, an increase in rental households—potentially spurred by new developments attracting more people to the area—means more individuals utilizing resources like water infrastructure, emergency services, and educational facilities without proportionate contributions. For instance, data from the U.S. Census Bureau shows that in Orange County, renter-occupied housing units have risen by over 5% in recent years, placing additional pressure on taxpayer-funded services. This imbalance is unfair to long-term homeowners who already bear the financial burden, and approving projects like Cypress Grove could accelerate this trend, leading to higher taxes or reduced service quality for everyone.

11.6

Beyond resources, the project would irreversibly harm our community's character by demolishing the historic Tustin Financial Plaza, as noted in the EIR's significant and unavoidable cultural resources impact. Combined with construction-related air quality and noise issues, this development prioritizes short-term housing gains over long-term sustainability. I urge the City to consider the No Build Alternative outlined in the EIR, which would avoid these strains entirely, or at minimum, the Reduced Project Alternative to lessen the burden.

11.7

As the public comment period for the Draft EIR ends on September 29, 2025, I implore you and the City Council to reject this project in its current form. Our limited resources cannot support unchecked growth without compromising the quality of life for existing residents.

11.8

I can guarantee that I am not alone in expressing my concerns and you will be receiving more emails from my neighbors and fellow Tustin residents.

Sincerely,

The Morrow Family

Olive tree Circle

Tustin, CA 92780

Response to Comment Letter 11: Andy Morrow, August 23, 2025

Comment 11.1: This comment states that the proposed Project would cause a strain on the City's public resources due to cumulative growth impacts, specifically regarding population pressures, water shortages, school capacity, and traffic congestion.

Response to Comment 11.1: The comment does neither provide substantial evidence of any environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topics raised are unsupported by substantial evidence. Accordingly, this comment is both conclusory and introductory in nature. As discussed in Responses 2.2 through 2.7, the Draft EIR complies with the requirements of CEQA, and the analysis within the Draft EIR accurately reflects the proposed Project and subsequent potential environmental impacts. Therefore, no further response is required or provided.

Comment 11.2: This comment states that the proposed Project would result in the addition of potentially over 400 new residents, which would negatively impact the City's already impacted police and fire departments. The comment states that the Draft EIR did not account for the Project's context within larger regional growth, impacting response times and higher costs.

Response to Comment 11.2: This comment neither provides any substantial evidence that the proposed Project would result in a new significant environmental impact nor does such comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topics raised are unsupported by substantial evidence.

The Project would introduce approximately 396 new residents to the area, generating a corresponding increase in demand for police services. Based on the current officer-to-population ratio (1.1 sworn officers per 1,000), the Project would generate a service demand equivalent to approximately 0.44 additional officers ($396/1,000 \times 1.1 = 0.44$). This represents less than one full-time officer. As discussed, the Draft EIR Section 7.14, *Public Services*, and in Initial Study Section 5.15, *Public Services*, (included as Appendix A to the Draft EIR) funding for fire facilities, equipment, and service personnel is derived from the City's General Fund, which is supported by property taxes. Population growth and new residential development are expected to generate proportional increases in tax revenue, contributing to the continued provision of fire services. Therefore, the additional demand for fire services and protection generated by the proposed Project would be satisfied through the General Fund. As further discussed in Draft EIR Chapter 6, *Other CEQA Considerations*, the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service. Based on service ratios and buildout projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, an indirect growth-inducing impact as a result of expanded or new public facilities that could support other development in addition to the proposed Project would not occur.

Comment 11.3: This comment states that the Tustin Unified School District is already impacted by growth in the City and the additional residents brought in by the proposed Project would further impacts schools.

Response to Comment 11.3: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence.

As discussed in Draft EIR Section 7.14, *Public Services*, and Initial Study Section 5.15, *Public Services*, (included as Appendix A to the Draft EIR) a service letter was sent to Tustin Unified School District (TUSD) requesting information regarding the District's ability to service the Project. On April 11, 2025, Tom Rizzuti, Director of Facilities and Planning, responded stating the schools that would serve the Project include Guin Foss Elementary School, Columbus Tustin Middle School, and Foothill High School. While Guin Foss Elementary is

impacted, TUSD has no current plans to build new schools in the District. . However, the response stated that TUSD would reserve the right to send students generated by the Project to other schools in the District if space is not available at the current schools of attendance. Further, the need for additional school facilities is addressed through compliance with school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) sets forth a State school facilities construction program that includes restrictions on a local jurisdiction's ability to condition a project on mitigation of a project's impacts on school facilities in excess of fees set forth in the Government Code. Pursuant to Government Code Section 65995, applicants pay developer fees to the appropriate school districts at the time building permits are issued; and payment of the adopted fees provides full and complete mitigation of school impacts.

Comment 11.4: This comment states that the Draft EIR does not address the County's ongoing water resource challenges.

Response to Comment 11.4: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As discussed in the Draft EIR Section 7.17, *Utilities and Service Systems*, and in Initial Study Section 5.19, *Utilities and Service Systems*, (included as Appendix A to the Draft EIR) the proposed Project would introduce approximately 396 new residents to the site. Using the conservative per capita rate of 151 gallons per day (gpd), this equates to a Project demand of 59,796 gallons of water per day, or 66.98 acre feet per year (AFY) – a net reduction of 29,747 gpd compared to existing conditions. Based on this projected reduction and the supply-demand projections in the 2020 Urban Water Management Plan (UWMP), the City has sufficient water supplies to serve the Project and cumulative development, even under normal, dry, and multiple dry year scenarios through 2045. Therefore, implementation of the proposed Project would result in a less than significant impact related to water supplies.

Comment 11.5: This comment states that the proposed Project would result in increased traffic congestion, pollution, and safety risks.

Response to Comment 11.5: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Public Resources Code Section 21099[b][1]); and that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment” (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion, as it “shall not be considered an impact on the environment”. Nonetheless, the City of Tustin General Plan Policy 1.4 requires the City to “Develop and implement thresholds and performance standards for acceptable levels of service”. As noted in Section 7.11, *Land Use and Planning*, of the Draft EIR and Section 5.11, *Land Use and Planning*, of the Initial Study (Appendix A of the Draft EIR), the Project would be consistent with policies contained in the City's General Plan and was required to prepare a Traffic Impact Analysis (TIA) in fulfillment of the City's requirements. The Project will be conditioned to pay applicable fair share costs of roadway improvements. Therefore, the Project is consistent with the City's policy.

Impacts related to air quality and pollution were discussed in Draft EIR Section 5.1 *Air Quality*. As shown on Draft EIR Table 5.1-9, operational emission impacts, including mobile emissions from vehicle trips associated with the proposed Project, would be less than significant.

Comment 11.6: This comment states that the development of for-sale units will result in an influx of renters who do not contribute property taxes to the City and cause additional strain on public resources.

Response to Comment 11.6: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence.

CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, completed for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then up to the City's decision makers to weigh the environmental impacts identified in the environmental impact report, against the Project merits (which includes its economic and social effects), in deciding whether to approve or disapprove a proposed Project.

As discussed in Draft EIR Section 7.14, *Public Services*, 7.17, *Utilities and Service Systems*, and Chapter 6, *Other CEQA Considerations*, the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service for public services. Based on service ratios and buildout projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, an indirect growth-inducing impact as a result of expanded or new public facilities that could support other development in addition to the proposed Project would not occur.

Comment 11.7: This comment states that the proposed Project would harm the City's character by demolishing the historic Tustin Financial Plaza. Additionally, the commenter states that the Project prioritizes the creation of housing over impacts from construction air quality and noise impacts. The comment urges the City to consider the No Build Alternative in order to avoid the Project's significant and unavoidable impact.

Response to Comment 11.7: The Draft EIR discussed the proposed Project's significant and unavoidable impact related to historical resources on pages 5.2-7 through 5.2-9. Air quality impacts were analyzed in Draft EIR Section 5.1, *Air Quality*, and noise impacts were analyzed in Draft EIR Section 5.3, *Noise*, which were determined to have a less than significant impact with mitigation and less than significant impact, respectively.

Ultimately, it is up to the City to determine what the Project benefits are and if they would outweigh any potential significant and unavoidable impacts. In accordance with CEQA Section 21081(b) and CEQA Guideline Section 15093, in order to approve the Project, the City is required to determine that the unavoidable adverse environmental impacts identified above may be considered acceptable due to specific considerations which outweigh the unavoidable, adverse environmental impacts of the Project. If the City approves a project which will result in the occurrence of significant effects, which are identified in the Final EIR but are not avoided or substantially lessened, the City shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The "Statement of Overriding Considerations" (SOC) shall be supported by substantial evidence in the record. If the City decides to approve the Project, and associated SOC, the statement will be included in the record of the Project approval and will be mentioned in the Notice of Determination (NOD).

Comment 11.8: This comment concludes with the letter in urging the City Council to reject the proposed Project as the City cannot support the growth.

Response to Comment 11.8: This comment is conclusive in nature and provides the commenter's opinion on the proposed Project and does not provide a comment on specific environmental analysis within the Draft EIR or any substantial evidence of a significant environmental impact.

Comment Letter I2: Lynn Thai (1 page)

Hello Mr. Maldonado

I am writing to you to comment about the Cypress Grove Residential Project. We just bought our house about 2 years ago on Howland Way directly behind the business park. Our purchase took into consideration of the quiet nature of the existing buildings and the open space as well as the classy appearance of these buildings. I think it's a such a shame to tear them down and develop such a cluster of congested residential housing. My home will be in a less desirable location and I will no longer love it as I would now. The thought of the construction is nauseating though I understand it's short term. But once completed, it will be terribly congested there with increased traffic and noise. I wish this project will be abandoned.

I2.1

Thank you for your consideration.

Response to Comment Letter I2: Lynn Thai, September 13, 2025

Comment I2.1: The commenter explains that they purchased their home due to the quietness of the area, open space, and views of the Tustin Financial Plaza architecture. The commenter further describes that proposed Project would create undesirable changes to the area, including increased traffic and noise volumes, which would diminish desirability of their home's location. Therefore, the commenter requests that the City abandon the Project.

Response to Comment I2.1: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence.

CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, completed for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then up to the City's decision makers to weigh the environmental impacts identified in the environmental impact report, against the Project merits (which includes its economic and social effects), in deciding whether to approve or disapprove a proposed Project. As such, the Draft EIR is not required to analyze impacts related to desirability of real estate as it shall not be considered an impact on the environment.

As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (Public Resources Code Section 21099[b][1]); and that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Public Resources Code Section 21099[b][2]). However, a trip generation was prepared that shows the proposed Project reflects a net reduction in trips from existing, baseline conditions (Appendix K of the Initial Study). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion as it shall not be considered an impact on the environment. Nonetheless, the City of Tustin General Plan Policy 1.4 requires the City to "Develop and implement thresholds and performance standards for acceptable levels of service". As noted in Section 7.11, *Land Use and Planning*, of the Draft EIR and Section 5.11, *Land Use and Planning*, of the Initial Study (Appendix A of the Draft EIR), the Project would be consistent with policies contained in the City's General Plan and was required to prepare a Traffic Impact Analysis (TIA) in fulfillment of the City's requirements. The Project will be conditioned to pay applicable fair share costs of roadway improvements. Therefore, the Project is consistent with the City's policy.

Regarding noise impacts, as discussed in Draft EIR Section 5.3 Noise, Table 5.3-8, construction noise from future buildout of the proposed Project at the nearby receptor locations would range from 70 to 72 dBA Leq (standardized noise measurement in decibels), which would not exceed the 80 dBA Leq and 85 dBA Leq construction noise level criteria as established by the Federal Transit Administration (FTA) for residential and commercial land uses, respectively. Therefore, impacts regarding noise construction were analyzed under the Draft EIR impacts were determined to be less than significant. Project-related traffic noise would be no greater than 0.4 dBA from existing baseline conditions which is below the threshold of a 3.0 dBA noise level increase. Therefore, traffic noise impacts from the proposed Project on off-site sensitive receptors would be

less than significant. As discussed on Draft EIR page 5.3-16, adjacent off-site land uses would be potentially exposed to stationary-source noise impacts from the proposed on-site heating, ventilation, and air conditioning (HVAC) equipment and truck deliveries and loading and unloading activities. The most conservative assessment of potential impact would be the residences to the east, located approximately 40 feet away from the closest HVAC unit. After distance attenuation, noise generated from on-site HVAC equipment 40 feet from the proposed buildings would potentially reach up to 48.5 dBA L_{eq} , which would not exceed the City's exterior daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise standards of 55 dBA L_{eq} and 50 dBA L_{eq} , respectively, for residential uses. Further analysis would not be required regarding the Project's impacts on noise.

Comment Letter I3: Curt Flemming (3 pages)

Re: Comments on Draft EIR for the Cypress Grove Residential Project

Dear Mr. Maldonado,

I am a homeowner at 17881 Arbolada Way, and I am writing to submit comments on the Draft Environmental Impact Report (EIR) for the proposed Cypress Grove Residential Project. I have also included my neighbors, Mrs. Beth Burger and Dr. Mauricio Cardenas, who share similar concerns and will be writing letters separately.

13.1

We recognize the importance of expanding housing opportunities in Tustin, but as currently designed, the Cypress Grove proposal raises serious concerns related to density, compatibility with the surrounding neighborhood, privacy, and environmental impacts.

1. Height, Massing, and Proximity to Existing Homes

Based on the plans provided, it appears that three-story homes are proposed directly behind the Arbolada Way wall, with a setback of only approximately 14 feet from our property line. This design would create significant privacy and view impacts for adjacent homeowners. The elevated grade of the project site further exacerbates the sense of height and scale.

13.2

The Draft EIR should evaluate whether this proximity and vertical massing are consistent with community character and whether additional setbacks, height transitions, or step-downs are required to mitigate impacts.

2. Lack of Landscape Buffering

The plans do not appear to show adequate landscaping, trees, or other buffering along the

13.3

Arbolada property line. The absence of a meaningful landscape buffer would leave residents directly exposed to the scale of the project. The Draft EIR should require robust landscape screening, including mature trees, to mitigate visual, noise, and privacy impacts.

13.3
Cont.

3. Neighborhood Compatibility and Circulation

The proposed project's density and configuration are incompatible with the surrounding single-family neighborhood and would result in potentially significant impacts to community character and livability. The Draft EIR must provide a detailed neighborhood compatibility analysis, including visual character, massing transitions, privacy impacts, and cumulative effects of increased density on adjacent streets. Without this analysis, the EIR fails to adequately evaluate aesthetic and land use impacts under CEQA.

13.4

In addition, the circulation plan raises potentially significant traffic and safety impacts. The project proposes a single ingress/egress along Prospect Avenue, which would funnel all residential traffic onto a constrained corridor, worsening congestion and creating turning-movement hazards. This is particularly concerning given the project's proximity to existing residential streets and schools.

13.5

The EIR should analyze alternative access scenarios, including the use of the existing signalized intersection at Prospect and 17th Street, which appears to be a logical and safer design solution. If the City does not pursue this alignment, the EIR must identify and require traffic safety mitigations, such as additional access points, turn pockets, or signal modifications, to reduce the project's circulation impacts.

4. Cumulative Impacts – Enderle Center Development

We also note that the City has approved a rezone for the Enderle Center site that would allow up to 413 residential units on property that currently provides restaurants and retail. This change not only reduces walkable amenities for nearby residents, but also adds significant new residential density to the same area.

13.6

The Draft EIR for Cypress Grove must analyze how its impacts would combine with those of the Enderle Center and other foreseeable developments. In particular, the EIR should evaluate cumulative effects on traffic congestion, utilities, parking demand, pedestrian linkages, and overall community character. Without this cumulative analysis, the EIR risks underestimating the project's true impacts.

5. Developer Qualifications and Community Ties

We are also concerned about the qualifications of the project applicant. To our knowledge, the developer has limited, if any, experience with residential development of this scale. In addition, they appear to lack established ties to the Tustin community. Given the long-term impact this project will have on existing neighborhoods, it is critical that the City evaluate not only the technical aspects of the proposal but also the applicant's demonstrated capacity to deliver a project that is compatible with, and respectful of, the surrounding community.

13.7

Conclusion

We respectfully request that the City require stronger design modifications, setbacks, and buffering to reduce the project's impact on existing homeowners. Without these measures, the proposed development would result in significant and unmitigated effects on neighborhood privacy, aesthetics, and livability.

13.8

Thank you for considering these comments as part of the Draft EIR process. We appreciate your efforts to carefully evaluate this project and to ensure that the City's housing goals are met in a way that remains respectful of existing neighborhoods.

Sincerely,

Curt and Caroline Fleming

Response to Comment Letter I3: Curt Flemming, September 26, 2025

Comment I3.1: The commenter explains that they are a homeowner in the Tustin area and are submitting comments on the Draft EIR. The commenter further states that the proposed Project raises concerns related to density, compatibility with the surrounding neighborhood, privacy, and environmental impacts..

Response to Comment I3.1: The comment does not provide substantial evidence of any environmental impact and is introductory in nature. Thus, no further response is warranted.

Comment I3.2: This comment states that the proposed structures would include three-story homes within 14-feet of neighboring properties, impacting privacy and views for adjacent homeowners. Further, the commenter requests that the Project's consistency with community character be analyzed in the Draft EIR, including an evaluation regarding whether additional design features, such as setbacks, height transitions, or step downs should be required for the Project.

Response to Comment I3.2: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As discussed in Section 7.1, *Aesthetics*, and in Initial Study Section 5.1, *Aesthetics*, (included as Appendix A to the Draft EIR), the proposed Project would result in a less than significant impact on visual character and quality. Impacts to visual character and quality are determined by assessing whether the project would conflict with applicable zoning and other regulations governing scenic quality. The Project would require a zone change from PC BUS PARK to PC RES to allow for the development of the proposed residential units. Pursuant to Tustin City Code Section 9244, the Planned Community (PC) District Zone does not have prescriptive development standards; rather, the Project would establish custom development standards (such as setbacks, scaling, height transitions, etc.) as part of the development plan, including supplementary text materials. The proposed development standards with which the Project would comply would be compatible with the character and quality of existing surrounding uses, which would be ensured through the City's design review and plan check processes. Therefore, the Project could result in a visual change from existing conditions but would comply with applicable zoning and other regulations governing scenic quality and would not result in an impact to visual character pursuant to CEQA. As such, the Draft EIR is not required to further analyze impacts related to visual character.

In regard to impacts to privacy, CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, completed for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then up to the City's decision makers to weigh the environmental impacts identified in the environmental impact report, against the Project merits (which includes its economic and social effects), in deciding whether to approve or disapprove a proposed Project. As such, the Draft EIR is not required to analyze impacts related to privacy as it shall not be considered an impact on the environment.

Comment I3.3: This comment states that the Project plans do not include adequate landscaping buffers between the Project site and adjacent homes and additional buffering should be included to mitigate visual, noise, and privacy impacts.

Response to Comment I3.3: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. Section 152049(c) of the CEQA Guidelines advises that comments should be accompanied by factual support, stating "[r]eviewers should explain the basis for their comments and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Where comments provide no facts or other substantial evidence to support an assertion, or where comments do not explain why the evidence supporting a conclusion in the Draft EIR is not substantial evidence, the Final EIR is not required to alter a significance determination of the Draft EIR. While CEQA permits disagreements of opinion with respect to environmental issues addressed in the EIR (see Section 15151 of the CEQA Guidelines ["disagreement among experts does not make an EIR inadequate... the courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure"].) The Draft EIR for the proposed Project provides an adequate, complete, and good faith effort at full disclosure of the physical environmental impacts of the proposed Project and the conclusions are based upon substantial evidence in light of the whole record.

Even so, the Project would be required to comply with applicable City landscaping standards. The applicable standards for the Project site include 300 square feet (SF) of common area open space per unit and 100 SF of private open space per unit, which would result in an overall requirement of 43,500 SF of common open space and 14,500 SF of private open space for the proposed Project. The Project would provide 46,131 SF of common open space and 41,191 SF of private open space, exceeding the applicable landscaping requirements. Therefore, the Project would provide sufficient open space, and additional landscaping would not be required.

Please see Response to Comment I3.2 regarding Project impacts to visual character and privacy.

As impacts related to noise and aesthetics were found to be less than significant with in the Draft EIR, there is no nexus for additional mitigation such as landscape buffering to reduce impacts.

Comment I3.4: This comment states that the proposed Project would be incompatible with the surrounding neighborhood and the Draft EIR should include a neighborhood compatibility analysis including visual character, massing, privacy, and increased density.

Response to Comment I3.4: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As discussed in Section 5.1, Aesthetics, and 5.11, *Land Use and Planning*, of the Initial Study (included as Appendix A to the Draft EIR) and Section 7.1, *Aesthetics*, and Section 7.11, *Land Use and Planning*, of the Draft EIR, although the proposed development would be denser and more compact than the adjacent single-family neighborhoods, the Project would not introduce incompatible uses. Residential-to residential transitions are common, and the site design would include perimeter walls and landscaping to buffer the interface with surrounding homes.

Please see Response to Comment I3.2 regarding Project impacts to visual character.

Comment I3.5: This comment states that implementation of the proposed Project would result in significant traffic safety impacts along Prospect Avenue with only a single ingress/egress point. The comment suggests that the EIR analyze alternative access scenarios and require traffic safety mitigation.

Response to Comment I3.5: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic

raised are unsupported by substantial evidence. As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Public Resources Code Section 21099[b][1]); and that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment” (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion, as it “shall not be considered an impact on the environment”. As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion as it shall not be considered an impact on the environment.

Potential Project impacts to traffic safety are discussed under Section 7.16, *Transportation*, and Initial Study Section 5.17, *Transportation* (included as Appendix A to the Draft EIR). As stated in the Initial Study, all on-site drives would be developed in conformance with City design standards. Access to the Project site would be provided by a 27-foot-wide driveway along Prospect Avenue that would taper into a 28-foot-wide drive aisle. The driveway and drive aisle would be designed in compliance with the City’s design standards to provide for adequate turning for passenger cars, fire trucks, and delivery trucks. The design of the on-site circulation would be reviewed by the City’s traffic engineer to ensure that traffic conditions are safe in compliance with Section 5313, *Engineering Administration*, of the City’s Municipal Code. Thus, no further analysis regarding traffic safety is required.

Comment 13.6: This comment states that the Draft EIR must analyze the Project’s impacts combined with the approved Enderle Center site located near the Project site.

Response to Comment 13.6: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR’s conclusions with respect to the topic raised are unsupported by substantial evidence. The Draft EIR prepared for the Project accurately analyzes potential cumulative impacts from the Project in conjunction with other past, present, and foreseeable future developments in the Project vicinity throughout the Draft EIR under each applicable environmental topic area. The Draft EIR uses a combination of the list method and the projection method based on the unique topic area. Table 5-1 of the Draft EIR lists cumulative projects utilized in the cumulative analysis of the Project. The list of cumulative projects was developed using a list of past, present, and future projects within the Project vicinity.

While the City approved a recent zone change at the Enderle Center site to allow for residential development, no applications for development on the Enderle site had been received by the City, when the Notice of Preparation was released on May 30, 2025 and the baseline was established for the Cypress Grove Project. The Enderle Center site was identified as “candidate” site for possible future housing, along with other candidate housing sites as identified in the City’s 2021-2029 Housing Element. The Government Code section under which the “candidate” sites were identified expressly recognizes that development is not guaranteed. (Govt. Code § 65583(a)(3) [a housing element shall include an “inventory of land suitable and available for residential development, including vacant sites and sites having a realistic and demonstrates *potential* for redevelopment during the planning period” to meet the City’s assigned regional housing needs assessment allocation] [emphasis added].) The City’s Housing Element (and Housing Opportunity Overlay Zoning Districts) identified hundreds of acres of land, accommodating a *theoretical* 8,138 dwelling units. A pre-application for a new project was submitted to the City in September 2025 for the Enderle site. However, because it was submitted after the environmental baseline for the Cypress Grove Project was established, the proposed project at the Enderle Center site is not required to be considered under the Draft EIR for this Project.

Comment I3.7: This comment expresses concern over the qualifications of the applicant team and their ability to produce a development compatible with the surrounding community.

Response to Comment I3.7: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The project merits, including any economic and social effects of the project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the project's potentially significant physical impacts on the environment and does not include a discussion of the Project Applicant's experience as a developer. Furthermore, CEQA Guidelines Section 15204(a) states that when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers. Thus, further discussion related to the Project Applicant's experience as a developer is not provided.

As discussed in Section 5.1, Aesthetics, and 5.11, *Land Use and Planning*, of the Initial Study (included as Appendix A to the Draft EIR) and Section 7.1, *Aesthetics*, and Section 7.11, *Land Use and Planning*, of the Draft EIR, although the proposed development would be denser and more compact than the adjacent single-family neighborhoods, the Project would not introduce incompatible uses. Residential-to residential transitions are common, and the site design would include perimeter walls and landscaping to buffer the interface with surrounding homes. Therefore, no further analysis is required to address this comment.

Comment I3.8: This comment concludes the letter requesting stronger design modifications to reduce the Project's impacts on surrounding homes related to privacy, aesthetics, and livability.

Response to Comment I3.8: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact, nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As substantiated by the previous responses above, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment Letter I4: Jennie Blonska (2 pages)

Dear Mayor Lombard and Senior Planner Maldonado:

My name is Jennie Blonska and my husband Jason Blonska and I are the owners of a law firm at the above Tustin address. We have operated our firm at this location since January 2012. Our firm has a valid lease to occupy this location until April 30, 2028, with the right to renew. We have been successful at this location and intend to conduct business here for the remainder of our lease term.

The purpose of this letter is to place the City of Tustin on notice that the Cypress Grove Residential Project is seeking a demolition permit of our office space during the term of our leasehold. We do not consent to our office being demolished or modified in any manner during the term of our lease. Granting a demolition permit while we have a lawful right to occupy this property constitutes an inverse condemnation approved by the City with no consideration of our business operation.

I4.1

According to your online published "Cypress Grove Initial Study" (found at <https://www.tustinca.org/DocumentCenter/View/18584/Cypress-Grove-Draft-EIR?bidId=> on page 3-37 section 3.4.7, it states:

"Construction is expected to occur five days per week for 8 hours per day over an approximate duration of 17 months, beginning in June 2026 and concluding approximately November 2027."

Please also note that the City of Tustin never provided us written notice of the proposed demolition dates as noted on your website of the Draft EIR. We had to find this information based on our own research.
(See https://www.tustinca.org/DocumentCenter/View/18585/Cypress-GroveProject_NOA?bidId=)

Our business is an "Interested Party" of this plan and must receive mailed copies to this address of all future notices regarding the Cypress Grove Residential Project, especially the proposed demolition dates, option for public comment, City Council meetings, and all other dates of note relating to us conducting business in this location. You may address this correspondence to my attention.

Response to Comment Letter I4: Jennie Blonska, September 26, 2025

Comment I4.1: This comment states that the commenter has a lease within the proposed Project site that is valid through 2028 while the Initial Study states demolition activities would begin in June 2026. The comment further states that they have a right to occupy the property through the end of their lease and was never provided written notice of the proposed demolition dates. The comment concludes in requesting to be included as an interested party to receive any future notification regarding the proposed Project.

Response to Comment I4.1: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. Consistent with CEQA Guidelines 15082, the proposed Project was noticed through publication of a Notice of Preparation in the Orange County Register on May 28, 2025, to initiate the 30-day public scoping period from May 30, 2025, to June 30, 2025. Additionally, the Draft EIR was noticed through publication of a Notice of Availability of the Draft EIR in The Tustin News on August 15, 2025, to initiate the 45-day public comment period from August 15, 2025, to September 29, 2025. Thus, sufficient notification was given per CEQA Guidelines.

Regarding the commenter's lease, CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The project merits, including any economic and social effects of the project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the ongoing leases at the Project site.

As requested by the commenter, Jennie Blonska will be added to the notification list and provided future notices for the Project and Hearings. This comment will be provided to City decision makers as part of their review of the Final EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment Letter 15: Mike Murtaugh (14 pages)**Public Comments to the Draft EIR for the Cypress Grove Residential Project**

My name is Mike Murtaugh. My wife Cindy and I are homeowners in North Tustin. Our family's property extends to within 30 feet of the Tustin Financial Plaza, the site proposed for demolition and replacement with the Cypress Grove residential project. Because of our immediate proximity, we are directly affected and therefore I am submitting comments for inclusion in the public record.

We strongly oppose the Cypress Grove Project as currently proposed. In our view, the project is inconsistent with the City of Tustin's own planning policies and would result in severe and lasting adverse impacts to my neighborhood.

15.1

For clarity, I have organized my comments into three major categories, under which I list eight specific areas of concern:

- I. Demolition and Construction Impacts
- II. Completed Project Impacts
- III. Potential Alternatives

I. Demolition and Construction Impacts**1. Demolition of Historic Buildings**

The Cypress Grove (CG) project would destroy all 5 of the iconic, historic buildings in the Tustin Financial Plaza. The Tustin Historic Resources Survey (2021) cites the Financial Plaza complex for its "Late Modern/New Formalist" architecture, and notes that it is "a potential resource for its association with patterns of postwar commercial development, and as an intact and representative example of Late Modern/New Formalist architecture" (Appendix E-3). The buildings were primarily designed by local architect Leason F. Pomeroy III, whom the Draft EIR recognizes as "a notable architect in the Orange County region" (p. 5.2-8). Justifiably, the Tustin Financial Plaza "is identified in the City of Tustin Citywide Historic Resources Survey Update as a potential historical resource" (p. 4-4).

15.2

As a mitigation measure, the proposal considers providing documentation that will include "high-resolution digital photographs taken from historically appropriate viewpoints" (p. 5.2-10). Such photographs would be a poor substitute for the actual buildings themselves. The proposal concedes that "demolition of a historical resource would result in

a substantial adverse change in the significance of the resource and cannot be mitigated to a less-than-significant level" (p. 5.2-10-11). This cultural loss to the city might itself justify cancelling the project.

15.2
Cont.

2. Destruction of Nature

The CG project would destroy nature as well as culture. Over 100 trees would be removed, including 43 along the neighborhood boundary lines, most of them long-standing, tall, and beautiful.

The Arborist Report that was produced for the Initial Study shows no appreciation for the aesthetic value of the borderline trees, and its evaluation is uniformly negative. The summary states,

There are forty-three (43) trees located on the east and south sides of the property. All the trees are recommended to be removed. This is due to their current size, condition, branch/root pruning required and the conflict with the new construction. There are no Protected Species. (Appendix A, p. 1)

15.3

It is clear on further reading that the arborist is not just evaluating the present condition of the trees in an objective manner. He is examining them in light of the fact that they will "conflict with the new construction." The arborist says, "Construction activities, equipment conflicts, material/chemical storage, trenching, irrigation, and soil compaction are examples that may create health issues for the tree" (p. 2). One particular sentence from the report stands out. It says, "41 trees will require maintenance pruning every 1-2 years to avoid branches rubbing on the buildings" (p.3). These do not sound like failing, unhealthy trees. The problem is not with the trees, it is with the proposed new buildings that would stand very close to the property lines - within 10 feet in some cases - leaving no room for these magnificent trees. The arborist report makes a good case for the need for pruning the existing borderline trees, but not for their destruction.

Harm of tree removal for neighborhood vegetation. The CEQA report completely ignores any environmental effect on the local neighborhood from the destruction of trees and the fact that they function as a buffer to the neighborhood. Note that the Arborist Report concludes with a caveat: "Treatment, pruning, and removal of trees may involve considerations beyond the scope of the Arborist's services (such as property boundaries, property ownership, site lines, neighbor disputes, landlord-tenant matters, etc.)" (p. 5). It is unfortunate that this report did

15.4

not have a wider scope and include the local effects of tree destruction, especially of the 43 trees abutting homeowners' backyards.

The destruction of the 43 boundaryline trees could seriously harm the trees and shrubs on the other side. Over many years, the vegetation on both sides of the property line has grown side by side, in parallel rows, forming a treescape buffer that provides beauty and privacy to residents. In some cases, the branches of trees on both sides intermingle, and the roots likely intermingle as well. Removal of the Plaza trees, including stumps and roots, will have a direct effect on neighborhood vegetation and wellbeing, an effect that the original CEQA report and the Arborist Report explicitly ignore.

15.4
Cont.

The destruction of borderline trees would have a devastating effect on local wildlife. A bird tracker for ebird.org¹ has long documented a large number of different varieties of birds at the Tustin Financial Plaza. For example, the record dated August 26, 2025 reports having seen 14 different species, including: 7 Mourning Dove, 5 Allen's Hummingbird, 1 Cooper's Hawk (a raptor), 32 Red-crowned Amazon, 7 House Finch, 2 California Towhee, 2 Swinhoe's White-eye, and 1 Pin-tailed Whydah.²

15.5

The Draft EIR says that the project "shall retain a qualified biologist... to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities." The survey would include not just the project site, but also "areas immediately adjacent to the site" - i.e., our backyards. "If active nesting of birds is observed within 100 feet of the designated construction area," then a buffer of 300 feet or more will be established around the nesting area, "and the buffer areas shall be avoided until the nests are no longer occupied" (p. 7-4-5). If this provision were faithfully complied with, there is a real risk that the entire project could grind to a halt.

The arborist says, "New trees, if desired, may be planted that will be more proper for the remaining space" (:4). He might have added that the remaining space is severely limited under this proposal, and that such new vegetation would be an inadequate replacement for the magnificent treescape that represents decades of growth and stands up to 50 feet high. Removal of these trees would tarnish Tustin's long-cultivated reputation as "the City of Trees." I would encourage decision makers to visit the Financial Plaza and judge for themselves whether this natural environment should be destroyed.

15.6

¹ ebird.org "is among the world's largest biodiversity-related science projects, with more than 100 million bird sightings contributed annually by eBirders around the world" (ebird.org website).

² <https://ebird.org/checklist/S269770428>

3. Air Pollution Effects

The demolition and construction phase of the project would create serious health risks for local residents over a long period of time, as the construction phase is scheduled to last from June 1, 2026 through Nov. 12, 2027 (Air Quality Impact Analysis, March 24, 2025, p. 21).

The Draft EIR claims that what is generated will be "less than significant" for a number of toxins, where levels will be well below the limits allowed by the AQMD. What the EIR does acknowledge as significant, however, is that for DPM (diesel particulate matter) "the maximum cancer risk would be 17.75 in one million, which would exceed the SCAQMD cancer risk threshold of 10 in one million" (p. 5.1-26). The proposal suggests that with mitigation, through the use of Tier 4 equipment, the cancer risk can be reduced from 17.75 to 9.13, which is just under the threshold of 10 (Table 5-1.12, p. 5.1-27). Yet even here, there is not an absolute commitment to use Tier 4 equipment ("If Tier 4 Final equipment is not available..." p. 5-1.29).

15.7

What the proposal does not take fully into account are the negative health effects that pollutants, including DPM, will have on residents closest to the project site. The Draft EIR does note that the "closest sensitive receptors [i.e., people] to the Project site include residential uses located approximately 5 feet south of the Project's site boundary" (p. 5.1-18).³ But the EIR does not actually consider the effect of pollutants on people 5 feet away. Rather, it says that the SCAQMD provides requirements that limit pollutants at various distances, but none of its rules consider dangers any closer than 82 ft. away. "In cases where sensitive receptors may be closer than 82 feet (25 meters), any distance within the 82-foot (25-meter) buffer zone can be used. As such, the minimum distance of 25 meters (82 ft.) was conservatively used for the 'worst case scenario'" (p. 5.1-19).

15.8

In other words, the proposal is treating neighborhood residents who are 5 feet from the site *as if they were 82 feet away - a much safer distance*. This standard would be appropriate for residents on the far side of the streets of Howland and Arbolada, but not for those whose backyards

³ The EIR for some reason omits reporting the following sentence from the project's Health Risk Assessment: "However, the most impacted sensitive receptor for this analysis was determined to be a different residence, about 5.24 meters (17 feet) east of the Project boundary" (Appendix D, p. 21).

lie along the property line. The 82-foot assumption is not "conservative" and it is certainly not the "worst case scenario."⁴

There is plenty of evidence that distance from pollutant source matters. A study of diesel pollution near freeways by the SCAQMD reports, "Estimated cancer risk ... is decreased approximately 68 percent at a distance 150 m (492 ft) from the edge of the roadway." It adds, "data demonstrate that a minimum distance that separates sources of diesel emissions from nearby receptors is effective in reducing potential cancer risk" (p. 2-6).

Since the main concern of the SCAQMD regarding diesel pollution is its effect near freeways and roadways, it is understandable that regulations would ignore close distances - no one lives 5 feet from a freeway. But that does not mean the danger from pollutants stops increasing when one gets closer than 82 feet.

Also, no mention is made in the Draft EIR of the environmental effects resulting from the destruction of dozens of large trees along the borderline. The International Agency for Research on Cancer (IARC), in a review of studies on the effects of exposure to wood dust, concluded: "There is consistent and strong evidence from both case-control studies and large cohort studies that wood dust causes sinonasal cancer" (p. 443), as well as "cancer of the nasal cavity and paranasal sinuses and of the nasopharynx" (p. 459).⁵ And the US Department of Labor/OSHA notes: "Wood dust becomes a potential health problem when wood particles from processes such as sanding and cutting become airborne. Breathing these particles may cause allergic respiratory symptoms, mucosal and non-allergic respiratory symptoms, and cancer."⁶ The draft EIR should have addressed the impact of tree destruction on the health of local residents.

4. Noise Effects

The noise impact of this project on local residents would be significant. The Draft EIR estimates that demolition of the Plaza buildings will produce 37,566 tons of debris (p. 3-37) - the weight equivalent of 5 Eiffel Towers - not counting the removal of the borderline trees that the noise analysis ignores. The Draft EIR states,

... it is expected that composite noise levels during construction at the nearest residential uses south and east of the Project would

⁴ The EIR is here repeating findings from a study conducted for the project by EPD Solutions, Inc., which recognizes that "Distance to the nearest sensitive receptor also determines the emission thresholds" (March 2025, p. 18).

⁵ IARC Monographs, *Arsenic, Metals, Fibres, and Dusts*; Volume 100C, 2012.

⁶ US DOL/OSHA, <https://www.osha.gov/wood-dust>

15.8
Cont.

15.9

15.10

reach 72 dBA Leq... which would not exceed the 80 dBA Leq... construction noise level criteria as established by the FTA [Federal Transit Administration] for residential" [land uses] (p. 5.3-15).

However, the Draft EIR calculates noise level for local residents at a distance of 330 ft. - the "distance from the center of construction activities" (p. 5.3-20). There is good reason to measure noise level from the edge of the project line where people will be most affected. We find, for example, that when Caltrans estimates the effects of traffic noise they do not measure it from the center of a roadway, but rather "from the edge of the outside traffic lane in the area that best represents the highest expected traffic noise level" (p. 3-4).⁷ As for CG, the nearest source of noise could be as close as 5 feet from neighbors' backyards. The EIR says noise levels at "50 feet would range from 74 dBA Leq to 89 dBA Leq" (5.3-14). So at 50 feet, maximum noise would already exceed FTA's 80 dBA criterion.

What about the noise effect at a still closer distance? A study conducted for the CG project⁸ provides a formula for projecting decibel levels at any distance. Applying this formula,⁹ we find that the noise level of 72 dBA at 330 feet from the source would reach 103 dBA at 10 feet - well above the 80 dBA that the EIR claims not to exceed. By inverting this formula, we can find the distance at which the maximum recommended noise limit would be reached for this project. The 72 dBA expected at 330 ft. would exceed the 80 limit for any receptor (person) closer than 141 feet, thereby impacting residents on the far side of Howland and Arbolada as well as those on the boundary line. Once again, the CG proposal does not fully take into account its impacts on local residents. Hopefully, the final EIR will address mitigating measures, such as erecting noise attenuating barriers, and installing decibel monitoring devices to ensure compliance with noise standards.

15.10
Cont.

II. Completed Project Impacts

5. Excessive Density

The Draft EIR claims that the estimated population of CG, once completed, would be 396 persons, which is fewer than the allowable 459

15.11

⁷ *Traffic Noise Analysis Protocol*, California Department of Transportation, Division of Environmental Analysis, April 2020.

⁸ *Noise and Vibration Impact Analysis*, July 2025 (Appendix F)

⁹ $Leq \text{ (at distance } X) = Leq \text{ (at 50 feet)} - 20 * \log_{10} (X/50)$

for this project's size. But a careful examination will show that the true population would be much greater than the proposal claims.

The number 396 is arrived at by multiplying the number of residential units (145) times 2.73, which the Draft EIR says is "the average household size... per dwelling unit for the medium density residential land use" (p. 7-22). The number of residents allowed (459) is derived by multiplying the number of acres (8.5) by the number 54, which is the number of persons allowed per acre by the General Plan land use designation PCCB (p. 6-2). So the proposal's claims hinge on two (questionable) assumptions: (1) that the number of residents per unit would be, on average, about 2.73; (2) that the project is allowed a maximum of 54 persons per acre. These assumptions should be examined.

15.11
Cont.

The Draft EIR attempts to establish average occupancy by first citing data from the California Department of Finance (CDF) that the population of Tustin in 2024 was 78,844 and the number of housing units was 28,649. If we were to divide the latter figure into the former we would get an average occupancy of 2.75 persons per unit - very close to the claimed 2.73, which would produce the same estimated number of project residents - 396. However, the Draft EIR does not make this calculation. It avoids explaining the small discrepancy from 2.73, as well as the problem of proving that CG density will be typical of the city as a whole, by making the more technical claim that the project falls under the category of "medium density." And so, we find that the number 2.73 appears in the General Plan's Land Use Element (2018) where we read that in the city of Tustin, the "average population is approximately... 2.73 persons per dwelling unit for medium density development"¹⁰ (p. 43). Even so, the proposal makes no attempt whatsoever to justify calling CG density either "average" for the city, or "medium density."

15.12

The second assumption, that the project is allowed 54 persons per acre, also raises some questions. The EIR states, "While the PCCB land use designation primarily allows a variety of... business activities, the PCCB designation also permits residential uses" (p. 6-2). The actual Land Use Element text is not quite so definitive. It says that the PCCB "designation may also permit other uses (such as residential uses) which support this land use designation" (p. 44). Does CG, a purely residential project, truly "support" a PCCB designation?

15.13

Also, the 54 limit is not consistent with the claim of "medium density." The Land Use Element says medium density represents "a population density range of 2 to 41 persons per acre" (p. 43) - not 54. The 41 persons

¹⁰ Though in Table LU-2 we also find a lower number: 2.45 for PC medium density (p. 34).

per acre ceiling would mean a maximum of 348 occupants for CG's 8.5 acres, much fewer than the 459 claimed. The text continues, specifying "2.12 persons per dwelling unit for high density development representing a population density range of 2 to 53 persons per acre" (p. 43). So 53 persons per acre (almost 54) is maximum density, but for high density development, not medium. So why not just call CG "high density"? Perhaps because the number of persons per unit, 2.12 would translate to a total CG population of only 307 (145 x 2.12), much fewer than the 396 claimed.

15.13
Cont.

Turning from persons per acre to units per acre (which we know precisely), the proposal's claim of average/medium density is still problematic. The Land Use Element (2018) says that for PC designation, the "Effective dwelling units per acre for low, medium, and high density residential is 4.485, 11.834, and 17.39, respectively" (Table LU-2, p. 36). We see that the effective estimate for medium density (11.834 units per acre) is much lower than the density of CG (17.06 units per acre). Indeed, 17.06 is close to the estimate for a high density PC project (17.39).

The proposal's attempt to shoehorn the project into consistency with the General Plan by mixing different density criteria begs the real question of how dense the proposed community would actually be. To get a valid estimate we cannot arbitrarily assign it to a density category, nor can we just assume its density will be typical of the city as a whole.

15.14

The CG units are large - the smallest have 3 bedrooms and 3 bathrooms. A majority have 4 or 5 bedrooms. In contrast, when we consider city apartments (which make up about half the housing units in the city), we find "approximately 40 percent... have one bedroom, 52 percent have two bedrooms, and 5 percent have three bedrooms" (General Plan, Housing Element, 2013, p. 14).

If we simply count the number of bedrooms across all 145 proposed units, we find the total for the CG project comes to 549. How many residents would we expect to utilize these 549 bedrooms? The California Department of Housing and Community Development (HCD) sets occupancy standards for renting vacant units based on the number of bedrooms. Their "Minimum Number of Persons in Household" for a 3-bedroom unit is 4; for a 4-bedroom unit: 6; for a 5-bedroom unit: 8.¹¹ If we applied the HCD standards to the CG project, the total number of residents would come to 808 - over twice what the proposal claims!¹²

¹¹ Occupancy Standards Exceptions Checklist; California Department of HCD.

¹² The City of Tustin also sets a high limit for occupancy in its Affordable Housing Program: up to 9 persons are allowed in a subsidized 4-bedroom unit (City of Tustin Affordable Housing Program Summary & Pre-Application Checklist).

When we turn from bedrooms to bathrooms, we must again judge the CG density atypically large. One study based on US census data reports that in 2022, "62.3% of new homes had 2 full bathrooms, 25.8% had 3 full bathrooms and 7.5% had 4 or more full bathrooms."¹³ So 33.3% of new US homes have 3 or more full bathrooms, but double that number (66%) of the CG units would have 3 or more (not counting half bathrooms).

15.14
Cont.

Even if we regard the HCD estimates as too liberal and assume, conservatively, only 1 person per bedroom, total occupancy would not be 396 as claimed but rather 549, well in excess of the 459 that the proposal claims is allowable. The average number of persons per unit would then be 3.8, not 2.73, and persons per acre would be 65, much more than the limit of 54 (or 53).

The sheer size of the 19 5-bedroom/5-bathroom units raises the question of whether these supposed "single-family units" might be used for other purposes. The City of San Diego has sought to regulate "rooming houses... defined as a dwelling unit where three or more bedrooms or guestrooms are rented under three or more rental agreements..."¹⁴ The City of Tustin's Affordable Housing Program is wise to stipulate that the program serves "Very-Low Income households who agree to live in the home as their primary residence."¹⁵ The City should recognize the potential problems of subleasing for the CG project also.

15.15

All of this analysis merely complements common sense. The proposal's claim that average occupancy of CG units would be about 2.73 persons - i.e. 2 or 3 people per unit - defies credulity. Does anyone really think there are many adult couples with one child who will be looking for a 5-bedroom, 5-bathroom home?

City services effects. The proposal's lowball estimate of 396 residents underlies its estimate of the project's impact on the city and its services. The numbers "396" and "2.73" appear repeatedly in the Draft EIR - with respect to population growth (p. 5.1-21; p. 7-23); land use (p. 7-22); fire services (p. 7-24); police (p. 7-24); local schools (p. 7-25); parks (p. 7-25); and water usage (p. 7-30). For all these services, the impact of CG would be greater than the proposal claims.

15.16

Traffic effects. Excessive density will harm local traffic circulation. Currently, the Financial Plaza has three vehicle entrances, including one

15.17

¹³ National Association of Home Builders, Nov. 2023.
<https://eyeonhousing.org/2023/11/number-of-bathrooms-in-new-single-family-homes-in-2022/>

¹⁴ Item-201, p.11, Minutes of the Council of the City of San Diego for the Regular Meeting of Monday, November 19, 2007..

¹⁵ City of Tustin Affordable Housing Program Summary & Pre-Application Checklist, p. 1.

with a traffic light on 17th Street. The plan would eliminate all but the one on Prospect Ave., which has no traffic light. Given the project's high density, that single exit might well become a choke point at rush hour and on trash collection days. And if a fire should break out near that sole vehicle exit, evacuation and emergency access would be endangered. The Fire Department would do well to take a second look at this proposal, this time using more realistic numbers.

15.17
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6. Incompatibility with the Local Community.

The City's General Plan, Land Use Element (2018) explicitly recognizes the importance of "Compatible and Complementary Development." It notes that "The intermixing of land uses in some areas without adequate buffering has resulted in land use incompatibilities." Examples include "high density residential adjacent to lower residential densities without adequate buffering" (p. 7) - precisely the unwelcome condition that CG would create.

The same document speaks directly about maintaining the quality of life for the residents of North Tustin. It says, "The North Tustin unincorporated area has a low density, semi-rural character. This desirable character is sensitive and vulnerable." And so, we find: "GOAL 13: Maintain the semi-rural and low-density character of North Tustin." And the associated Policy 13.1 reads, "Ensure that any infill development in North Tustin is compatible and complementary to the existing North Tustin community" (p. 28). The same emphasis appears earlier in Policy 1.13: "Preserve the existing low density character of North Tustin single family zoned neighborhoods" (p. 14).

15.18

US Census data provides us with a good snapshot of the local area. Census tract 757.02, which straddles 17th St., north and south, includes the Financial Plaza, yet nearly all the rest of the tract falls outside the city limits. The ACS survey for 2023 estimated the tract's population at 3,087. The average household size - 2.71 - is nearly identical to that of the city, but in other respects the tract is quite different. Whereas only about half the city's housing consists of 1-unit structures (50.5%),¹⁶ nearly all of tract 757.02 housing - 94.5% - consists of detached, single-family homes.¹⁷ Also, this long-established community is much more elderly than the city as a whole. Over half the housing units (55.3%) have at least one resident over 65 years old, while for the city, that proportion is only 12.4%. These demographic features underscore the special vulnerability of the local

15.19

¹⁶ ACS, 2024, Table S1101

¹⁷ ACS, 2023, Table S1101

neighborhood to health threats from construction, as well as to changes in the quality of life for an established community.

15.19
Cont.

The CG project is far from consistent with the City's General Plan and its wise and prudent policies. Our long-established, low-density, semi-rural, older community would be linked to a development that is in many ways the complete opposite.

Loss of Privacy. A major concern of local residents is that the proposal crowds three-story buildings as close as 10 feet from our property lines — the true reason why all 43 boundary trees would have to be removed. With no treescape buffer, CG residents would look down from their third floor windows and/or balconies into our backyards, eliminating any privacy we now enjoy.

15.20

On this point, we might compare CG to the recently completed Jessup Project, located exactly 1 mile to the south. That project consists of 40 townhomes that have similarities to the 3-story townhomes proposed for CG. While those units are set just north of the established Prospect Park community, the back windows of the new buildings overlook a broad driveway and a row of garages - there is no view of people's backyards.

Parking effects. The proposal's impact on local parking would be much greater than it claims. It says, "The Project would provide two enclosed garage spaces per unit, for a total of 290 enclosed residential parking spaces and 40 designated visitor parking spaces via street parking along the internal drive aisle" (*Draft EIR*, p. 22).

Tustin Municipal Code specifies, "The number of required parking spaces for multifamily housing shall be the total number of spaces based on the number of bedrooms within each unit." For "Three-bedroom or more units: 2 spaces per unit... Additionally, one (1) unassigned guest parking spaces shall be required per every four (4) units." However, for the category "Single-family housing" the requirement is more rigid: "2 spaces, within a fully enclosed garage, for each unit with 4 or fewer bedrooms, and 3 spaces, within a fully enclosed garage, for each unit with 5 or more bedrooms."¹⁸

15.21

CG would include 19 "single-family detached" units that have 5 bedrooms, which means these 19 units should have 3 enclosed spaces - not 2 as proposed. If we were to relax the "enclosed" requirement and allow the expected 3rd vehicles to park out in the visitors' area, they would take up nearly half the visitors' parking.

The City is wise to require additional parking for 5-bedroom units, but even the 4-bedroom, 4-bathroom units are larger than the city average,

¹⁸ Municipal Code Section 9263-"Off-Street Parking Required"

making the 1-to-4 requirement for guest parking insufficient for this project. Other Orange County cities are more restrictive than Tustin with respect to parking. City of Irvine regulations say: "If home has four (4) or more bedrooms: three (3) parking spaces required, two (2) of which must be covered (garage)."¹⁹ The City of Anaheim actually requires a minimum of 4 parking spaces, 2 in a garage, for units of 5 bedrooms.²⁰

CG would have 95 units with four or more bedrooms, yet the plan expects no more vehicles than found in 3-bedroom units. If actual occupancy were to generate 95 additional cars, these would swamp the 40 spaces set aside for visitors and the additional cars would spill over onto our neighborhood streets (in which case, current residents would have to turn to the County, not the City, for relief).

The City's General Plan says, "overcrowding in neighborhoods contributes to overall declines in social cohesion and environmental quality. Such decline can often spread geographically from housing units to neighborhoods and impact the overall quality of life and the economic vitality of a community."²¹ This insight should be kept in mind when evaluating the CG project.

15.21
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III. Potential Alternatives

7. Concerns about the Reduced Project Option

The Draft EIR suggests two alternatives to the proposed project. The first is to abandon the whole project. The second alternative - call it "Plan B" - is to reduce the scope of the project. In this case, "Only 3.5 of the 8.5-acre Project site would be redeveloped with residential use, while the remainder of the Project site would be maintained in its existing condition." Only the two buildings on the south side would be demolished and replaced "with 27 single-family cluster units and 36 townhome units, for a total of 63 dwelling units" (p. 8-7).

Under Plan B, the total number of units would be 43% of the 145 proposed. The ratio of reduced area developed (3.5 acres) to the full plan (8.5 acres) would be 41% - making Plan B slightly more dense than the full plan. The proportion of "single-family" cluster units to townhomes would stay the same as before. And so, the arguments raised above that the project is non-compliant with the City's General Plan density requirements would still hold for the reduced alternative. Using the "liberal" estimation of population based on bedrooms/bathrooms, Plan B

15.22

¹⁹ https://library.municode.com/ca/irvine/codes/zoning?nodeId=ZOOR_DIV4PA

²⁰ <https://www.anaheim.net/DocumentCenter/View/3147/Parking-Requirements>

²¹ Tustin General Plan, Final Revised Housing Element 2021-2029, p. II-5.

would reduce the CG population from 808 to 347; by the "conservative" estimate, it would drop from 549 to 236.

The EIR notes that the overall impact of Plan B "would be less than the proposed Project due to reduced demolition activities" (p. 8-11). Table 8-1 estimates that under Plan B, "Cancer risk (per million)" would be 7.20 vs. 17.75 under the full project (p. 8-11). Plan B would save 3 of the 5 iconic buildings from destruction, and it would be less impactful with respect to air quality, cultural resources, noise, and construction impacts (p. 8-14), though no revised time frame is given for construction. From the viewpoint of local residents, Plan B would benefit a few homeowners at the north end of Howland since the office building opposite them would not be destroyed, but they would likely still be vulnerable to overflow parking.

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There remain many questions about what the Plan B alternative would entail. No mention is made of visitor parking. No mention is made of the fate of the 43 trees along the neighborhood boundary - would any be saved?²² Apparently, all current traffic exits would be maintained, though this is not explicitly stated. We do not know what kind of configuration the new buildings would have. Given the high density, it is likely that the residents along Arbolada and the southern portion of Howland would still have CG residents looking down into their backyards from as close as 10 feet away.

8. The Need for Other Alternatives

Since the Reduced Project Alternative ("Plan B") lacks full specification, other options should also be considered. One that would greatly mitigate the concerns raised in this letter would be to eliminate the 22 proposed buildings that would overlook the backyards along Howland and Arbolada. Such a plan would eliminate 94 bedrooms. Based on our conservative population estimate of 1 person per bedroom, this would reduce the project's density from 65 to 53.5 persons per acre - just about at the allowable limit (53/54). Such a reduction would mean a shorter construction period, provide more living space to residents, save the borderline trees, and perhaps save one traffic exit on 17th St. It would not, of course, save the 5 iconic buildings.

15.23

There is a need for new housing in California, and the City of Tustin is doing its part. At Tustin Legacy, the number of dwelling units built or

²² The project might consider installing Italian Cypress trees along the boundary (appropriate given the project name). At 20' high, these could make an attractive buffer - if the housing setback were to leave room for them.

approved (9,024)²³ dwarfs the number proposed for CG (145) without destabilizing an established community.

The Enderle Center Rezone Project, located just 1 block west of the Financial Plaza, proposes to build up to 413 units and "does not rely on the demolition of any existing building,"²⁴ nor does it share boundary lines with single family homes.

The two projects just mentioned are included, along with Tustin Marketplace and several smaller projects, in the City Council document "Housing Element Rezoning," released just last December, 2024. No mention is made of Cypress Grove in this document. For some reason, CG seems to be "fast-tracked," and perhaps, without sufficient oversight.

In conclusion, my wife and I believe the best course of action that the Tustin Planning Commission could take right now would be to reject the CG proposal and encourage the property owners to maintain the Tustin Financial Plaza, a natural and cultural city treasure, until they, or some other buyer/developer, can come up with a better idea for this property, one that is less harmful than the current proposal and more consistent with the City's General Plan.

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15.24

Response to Comment Letter I5: Mike Murtaugh, September 26, 2025

Comment I5.1: This comment introduces the letter stating the commenter lives in a home 30-feet away from the Project site and opposes the Project. The commenter asserts that the Project is inconsistent with the City of Tustin's planning policies and would result in severe impacts to the neighborhood. The commenter lists the categories of the comments that follow.

Response to Comment I5.1: The comment does not provide substantial evidence of any environmental impact. The comment is introductory in nature. Specific comments are discussed below in Responses I5.2 through I5.24. Therefore, no further response is required or provided.

Comment I5.2: This comment describes the historic qualities of the existing Tustin Financial Plaza and its presence on the City of Tustin Citywide Historic Resources Survey Update. The commenter notes that the mitigation measure included in the Draft EIR, which requires photo documentation be prepared for the existing buildings prior to demolition, would not be a sufficient substitute for the actual buildings. Further, the commenter asserts that the significant and unavoidable impact to existing historical buildings justifies project cancellation.

Response to Comment I5.2: The comment does not provide substantial evidence of any environmental impact. The Project's potential impacts to historic resources were analyzed in Chapter 5.2 of the DEIR and in the Historic Resource Analysis Report, prepared by Urbana Preservation and Planning, LLC, that was included as Appendix E to the DEIR. The comment correctly states that the Project would result in a significant and unavoidable impact to existing historic resources due to demolition of the Tustin Financial Plaza. Further, the commenter is correct in their observation that the mitigation would not reduce impacts to a less than significant level. However, the suggestion that a significant and unavoidable impact is justification alone to cancel a project is incorrect.

Ultimately, it is up to the City to determine what the Project benefits are and if they would outweigh any potential significant and unavoidable impacts. In accordance with CEQA Section 21081(b) and CEQA Guideline Section 15093, to approve the Project, the City is required to determine that the unavoidable adverse environmental impacts may be considered acceptable due to specific overriding economic, legal, social, technological, or other benefits of the project that outweigh the unavoidable, adverse environmental impacts of the Project. If the City approves a project which will result in significant effects, which are identified in the Final EIR but are not avoided or substantially lessened, the City shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The "Statement of Overriding Considerations" (SOC) shall be supported by substantial evidence in the record. If the City decides to approve the Project, and associated SOC, the statement will be included in the record of the Project approval and will be mentioned in the Notice of Determination (NOD).

Comment I5.3: This comment states that the proposed Project would result in the removal of over 100 trees, including 43 along the property boundary. The comment states that the trees onsite are in good health and that their proposed removal is due to the proposed Project, not due to the condition of the trees themselves. Additionally, the comment notes the proposed buildings would be at minimum 10 feet from the property line, which would not leave room for the existing trees. The comment states that the arborist report does not provide adequate support for the existing tree removal.

Response to Comment I5.3: The comment does not provide substantial evidence of any environmental impact. Proposed tree removal is analyzed in Section 7.4, *Biological Resources*, of the Draft EIR and Section 5.4, *Biological Resources*, of the Initial Study (included as Appendix A of the Draft EIR). As stated in the Arborist Report (Appendix A of the Initial Study), the proposed Project would require removal of "one (1) tree in Good condition, thirty-nine (39) in Fair condition, and three (3) in Poor condition". Justification for the health classification of each individual tree is further disclosed in a table in the report named "Tree List". The

commenter provides no substantial evidence regarding tree health classification. No revisions to the report or EIR are warranted.

The comment correctly notes that the primary reason for tree removal is the conflict with the proposed site plan. While the Arborist Report also documents the condition of the trees, the analysis in the Draft EIR correctly identifies the project itself as the cause of the tree removal and evaluates the impact accordingly. The applicable CEQA threshold regarding proposed tree removal questions whether the Project would “Conflict with any local policies or ordinances protecting biological resources”. The Project does not propose to remove trees from the public right-of-way, however, which would otherwise require tree removal permit from the City. (Tustin City Code, Art. 7, Ch. 3.) The Project would install a mixture of trees and shrubs which would include Strawberry, Camphor, Carrotwood, Brisbane Box, and California Sycamore trees. The Project would be required to comply with Tustin City Code Section 7308 that requires large development and redevelopment projects to provide for planting of trees in accordance with the Master Tree Plan of the City. (PPP BIO-1) The Project is further required to comply with the Migratory Bird Treaty Act as required by Mitigation Measure BIO-1. . As a result, impacts would be less than significant with the implementation of mitigation. No further analysis is required.

Comment 15.4: This comment states that the CEQA report ignores potential impacts of tree removal on the neighborhood. Additionally, the commenter notes the arborist’s disclosure that the report does not consider potential social and legal issues, such as property boundaries, neighbor disputes, privacy, and beautification.

Further, the commenter indicates that removal of 43 trees along the Project boundary could impact trees on adjacent properties. The commenter supports this claim with their observation that branches of trees in and outside of the Project site intermingle and assumes that likewise, the root system also intermingles. The commenter concludes that the EIR and Arborist Report did not analyze the direct impact of proposed tree removal on the wellbeing of vegetation located in off-site adjacent properties.

Response to Comment 15.4: The comment does not provide substantial evidence of any environmental impact. The commenter erroneously states that the EIR did not analyze the potential impact of tree removal on the surrounding vicinity. Tree removal and its associated environmental effects were analyzed as part of the Project’s overall potential impacts under each pertinent environmental topic area of the EIR. For example, potential air quality impacts from proposed tree removal are analyzed in Section 5.3, *Air Quality*, of the Initial Study and Section 5.1, *Air Quality*, of the Draft EIR; potential noise impacts are analyzed in Section 5.3, *Noise*, of the Draft EIR; and potential biological impacts are analyzed in Section 5.4, *Biological Resources*, of the Initial Study and Section 7.4, *Biological Resources*, of the Draft EIR.

Additionally, the commenter’s request for the EIR and Arborist Report to analyze potential social and legal impacts is not supported by the requirements of CEQA. CEQA is an environmental protection statute concerned with physical changes in the environment (CEQA Guidelines §15358(b)). The “environment” includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines §15360). Economic and social effects are not treated as effects on the environment (CEQA Guidelines §§15064(e), 15131(a)). Accordingly, the Draft EIR appropriately focuses on potentially significant physical environmental effects and is not required to evaluate economic or social factors such as property values, privacy, or social conflicts.

Further, CEQA documents are informational tools, not advocacy documents. The purpose of an EIR is to disclose and evaluate potential environmental impacts to inform the public and decision makers. It is the responsibility of the City, as lead agency, to weigh those environmental impacts against social and economic considerations in deciding whether to approve the Project (CEQA Guidelines §§15002(a), 15121(a)).

All proposed Project activities would occur within the Project site boundaries. The perimeter block wall along the southern and eastern boundaries is fully within the site and would remain in place. Construction would

require substantial root pruning for many onsite trees, some of which extend through existing pavement. Excavation would affect roots to the depth of grading, potentially compromising tree stability. The Arborist Report (Appendix A of the Initial Study) concludes that extensive root pruning would substantially increase the risk of structural instability and tree failure, creating a public safety hazard. Accordingly, the report recommends removal of all onsite trees.

Adjacent offsite trees, approximately 7 along the southern boundary and 11 along the eastern boundary, are located near the property line. Mature tree roots can extend two to three times the distance of the trunk to the dripline.¹ Based on Google Earth, some neighboring tree canopies reach 25 feet in diameter, indicating potential root spread up to 37.5 feet (radius of 12.5 feet x 3). A tree that is located on the boundary of the site could reasonably have 50 percent of the total root system within the Project site area. Proposed excavation for foundations would occur at least 10 feet away from the perimeter wall, where approximately 5 percent or less of the offsite trees' root systems would occur. Therefore, offsite tree roots are unlikely to be damaged to a degree that would impact overall health of the tree (see Response to Comment Letter 15, Attachment A, Eric Gorsuch, Certified Arborist, 2025). Boundary construction within the 10 feet of the perimeter wall would be limited to paving and landscaping with minimal excavation.

Tree removal process by a qualified Tree Care contractor would be performed in a manner that follows ANSI Z133 Safety Standards ("Safety Standards") (see Response to Comment Letter 15, Attachment A, Eric Gorsuch, Certified Arborist, 2025). These are the standards and best practices for the Arboricultural industry. In accordance with Section 3.4 (Jobsite Briefing) and Section 9 (Tree Care Operations) of the Safety Standards, the trees will be removed in such a manner as to minimally disturb any surrounding trees to be protected, such as the offsite trees mentioned in the comment. Therefore, Project construction is not expected to cause substantial damage to offsite trees.

In the unlikely event of minor root damage to offsite trees, any resulting effects, including incidental tree failure or associated air quality, greenhouse gas, or noise impacts, would be negligible and would not change the Draft EIR's conclusions. Based on substantial evidence, including the Arborist Report and Project plans, impacts to neighboring trees would be less than significant, and no further analysis or EIR revisions are required.

Comment 15.5: This comment states that the destruction of the trees would also impact wildlife, as many bird species have been documented in the area, including Allen's Hummingbird and Cooper's Hawk, which are listed as a Bird of Conservation Concern and on the California Department of Fish and Wildlife (CDFW) Watch List, respectively. The comment also states that compliance with Initial Study Mitigation Measure BIO-1 may halt construction activity.

Response to Comment 15.5: The comment does not provide substantial evidence of any environmental impact. As noted in Section 7.4, *Biological Resources*, of the Draft EIR and Section 5.4, *Biological Resources*, of the Initial Study, the Project could have a potential impact on migratory and nesting birds during Project construction. Under the Migratory Bird Treaty Act (MBTA), it is unlawful to disturb or destroy active nests. Therefore, Mitigation Measure BIO-1 was included, which requires a qualified biologist to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities to confirm the absence of nesting birds if commencement of vegetation clearing occurs between February 1 and September 15. In the event that an active nest is observed, the commenter is correct that construction would be halted within the immediate vicinity, which could cause delays to construction tasks. As it is unlawful to disturb or destroy an active nest, construction activities would be conducted outside of the nesting bird season if feasible. The mitigation measure would reduce potential impacts to less than significant in the event that certain construction

¹ Gilman, E. (1988). Predicting Root Spread from Trunk Diameter and Branch Spread. *Arboriculture & Urban Forestry*, 14(4), 85-89. <https://doi.org/10.48044/iauf.1988.021>

activities would need to take place within the nesting bird season roughly between February 1 and September 15.

Comment 15.6: This comment states that once the existing trees are removed, there would not be sufficient space for the trees to be adequately replaced with trees of comparable quality.

Response to Comment 15.6: The comment does not provide substantial evidence of any potential environmental impact. While the Project landscape plan does not include replacement of removed trees in like kind, nor does the City require this according to their landscaping standards, the Project would implement site-appropriate landscaping consistent with City requirements. Specifically, the Project would comply with the Tustin City Code Article 9, Chapter 7 (landscaping and water-conserving appliances), the landscaping and setback standards established under the Project's PC RES development regulations, and Tustin City Code Section 7308, which requires that large development and redevelopment projects provide for tree planting consistent with the City's Master Tree Plan.

As noted in Response to Comment 15.4, the purpose of the Draft EIR is to disclose potential environmental impacts of the proposed Project based on substantial evidence. The EIR does not evaluate social or economic considerations related to Project approval, as these factors are outside the scope of CEQA. Therefore, no further environmental analysis or revisions to the EIR are warranted.

Comment 15.7: This comment states that construction of the proposed Project would result in severe health risk impacts for local residents. The comment states that the proposed mitigation to decrease diesel particulate matter does not actually commit the Project to using Tier 4 construction equipment.

Response to Comment 15.7: The comment does not provide substantial evidence of any potential environmental impact. The Project's potential air quality impacts were analyzed in Section 5.1 of the Draft EIR, the Air Quality Analysis technical report included as Appendix B to the Draft EIR, and the Construction Health Risk Assessment included as Appendix D of the Draft EIR. This evaluation included both the Project's potential construction and operational air quality impacts.

The Draft EIR concluded that health risks could be potentially significant, but with the implementation of mitigation measure AQ-1 those impacts would be less than significant. The full mitigation measure cited by the commenter is as follows: e:

"The Project shall utilize Tier 4 Final or superior equipment for engines exceeding 100 horsepower (hp). If Tier 4 Final equipment is not available for any specific equipment type, the construction contractor shall submit a written request to the City of Tustin for approval prior to the start of construction. This request must be supported by substantial evidence, such as equipment availability documentation, rental records, or market verification, demonstrating that Tier 4 Final equipment is not feasible. Potential alternative strategies may include the use of Tier 4 Interim equipment, reducing the number or horsepower rating of construction equipment, or limiting simultaneous equipment operation to achieve equivalent emissions reductions as Tier 4 Final equipment. All equipment must undergo proper tuning and adhere to the manufacturer's recommended maintenance schedule and specifications. Maintenance records for each piece of equipment, including those of subcontractors, must be available for inspection and retained on site for a minimum of two years following construction completion."

This mitigation measure requires that Project employ Tier 4 Final or superior equipment. Any substitution of Tier 4 Final equipment be supported by substantial evidence and any alternative measures must achieve equivalent emissions reductions as Tier 4 Final equipment. Accordingly, health risk impacts would be less than significant with the implementation of mitigation. Therefore, no further analysis or revisions to the EIR are warranted.

Comment 15.8: This comment states that the Draft EIR did not correctly analyze the potential health impacts to the adjacent residences, as the analysis considered a distance of 82 feet (25 meters) instead of the true distance of 5 feet. The comment further states that proximity to pollution sources changes significantly based on distance, and the analysis should not be limited to a distance of 82 feet.

Response to Comment 15.8: The comment does not provide substantial evidence of any potential environmental impact. The South Coast Air Quality Management District is the air pollution control regulatory agency for the urban portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange County. The South Coast Air Quality Management District's authority derives from both federal and state law. The localized air quality analysis was conducted in accordance with the South Coast Air Quality Management District (SCAQMD) *Final Localized Significance Threshold Methodology*. While SCAQMD acknowledges that some sensitive receptors may be located closer than 25 meters, the methodology recommends using the 25-meter threshold for screening purposes². Therefore, the analysis of localized air quality criteria pollutants presented in the Draft EIR is appropriate and consistent with SCAQMD guidance.

In addition, the construction Health Risk Assessment (HRA), prepared for the Project and included as Appendix D to the Draft EIR, evaluated both cancer and non-cancer risks at the nearest residences as shown in Figures 5 through 7 of the HRA. Without mitigation, the Project could exceed SCAQMD thresholds for cancer or non-cancer risks from construction. However, with implementation of Mitigation Measure AQ-1, which requires the use of Tier 4 equipment or alternatives that must achieve equivalent emissions reductions as Tier 4 Final Equipment, emissions would not exceed SCAQMD thresholds for cancer or non-cancer risks. Accordingly, potential localized air quality and health risk impacts would remain less than significant, and no further analysis is required.

Comment 15.9: This comment states that the Draft EIR failed to analyze potential impacts resulting from the destruction of the large trees along the property line including increased exposure to wood dust. The comment states that wood dust causes sinonasal cancer and these impacts must be addressed.

Response to Comment 15.9: The comment does not provide substantial evidence of any potential environmental impact. Tree removal would occur only during the demolition phase, which is estimated to last approximately 75 days. The weight of removed trees was included in the CalEEMod modeling of demolition hauling (Appendix C of the Air Quality Report) and in the particulate matter calculations for material crushing (Appendix D of the Air Quality Report). Any generation of wood dust during this period would be temporary and negligible compared to the particulate matter emissions associated with building and asphalt demolition. Particulate matter emissions generated from total demolition weight (including building and tree debris) were determined to be less than significant in the Draft EIR. Therefore, wood dust emissions have been evaluated in the Draft EIR and impacts would remain less than significant.

Potential dust emissions during construction, including those from use of wood chippers, are regulated under existing occupational and air quality standards. Worker exposure to wood dust is governed by Occupational Safety and Health Administration (OSHA) standards, which establish permissible exposure limits and require implementation of controls to protect worker health and safety. Additionally, Project construction would occur outside and in decentralized areas where trees proposed for removal along the Project boundary. Compliance with these standards minimizes both onsite exposure and the potential for fugitive dust emissions. In addition, construction-related dust emissions are regulated by South Coast Air Quality Management District (SCAQMD) Rule 402 and Rule 403. Rule 402 prohibits the discharge of air contaminants, including wood dust, that cause nuisance or injury to the public, and Rule 403 establishes best management practices to

² South Coast Air Quality Management District. (Rev. 2008). *Final Localized Significance Threshold Methodology*, pp. 3-3. Retrieved from: https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-1st-methodology-document.pdf?sfvrsn=8c641d61_2

minimize the generation and offsite transport of fugitive dust. These existing regulations provide enforceable mechanisms to control and reduce dust emissions from construction activities, including wood chipping, thereby protecting workers and surrounding sensitive receptors. Therefore, no further analysis or revisions to the EIR are warranted.

Comment 15.10: This comment states that the Draft EIR calculated construction noise impacts based on a distance of 330 feet from the center of construction activity. The comment further states that CalTrans estimates traffic noise measured from the edge of the outside traffic lane, and since nearby residences are located approximately 5-feet from the project boundary, a closer distance should be used to analyze. The comment states that based on the noise levels at 330 feet, residents on the far side of Howland and Arbolado would experience significant noise increases. The comment concludes in stating that these impacts should be mitigated through noise barriers and decibel monitoring to reduce impacts.

Response to Comment 15.10: The comment does not provide substantial evidence of any potential environmental impact. The City of Tustin has not established specific noise level standards for construction activities. In the absence of local standards, it is standard industry practice to apply criteria from an agency with expertise in the subject. For this analysis, the Federal Transit Administration (FTA) guidance was used. The FTA recommends a threshold of 80 dBA Leq (8 hour) for construction noise in residential areas. This criterion reflects the temporary, intermittent, and daytime only nature of construction noise, which differs from continuous or long-term operational noise sources such as traffic.

Construction equipment is not stationary, but rather, will move throughout any particular construction site. At some times construction equipment will be closer than the center of construction activity and at some times construction equipment will be further away. The use of the center of construction activity as the reference point for measuring potential construction noise impacts is consistent with standard industry methodology. This approach provides a representative estimate for a dynamic construction site where equipment and operations shift throughout the day. Further, the predicted noise levels assume all construction equipment is operating simultaneously; and therefore, are assumed to be rather conservative in nature.

The Leq metric represents the average sound level over time, accounting for short term fluctuations and peak noise levels associated with activities such as grading.

While construction equipment may operate closer to property lines at certain times, these occurrences would be temporary and limited in duration. All construction would comply with the City's permitted daytime work hours. In addition, the technical noise assessment incorporates standard best management practices such as maintaining equipment in good condition, using effective mufflers, and staging equipment away from sensitive receptors to further minimize potential noise impacts at offsite sensitive uses.

Comment 15.11: This comment states that the Draft EIR's estimated population generation of 396 is utilizing faulty assumptions that need to be further analyzed.

Response to Comment 15.11: This comment is introductory in nature and does not contain substantial evidence regarding environmental impacts related to the Project. Comments 15.12 through 15.17 respond to specific arguments raised regarding this comment. No further response is required.

Comment 15.12: This comment states that the Draft EIR calculated the average occupancy of the City but then used a slightly different generation rate for calculating the proposed Project population generation without any explanation why. The rate of 2.73 persons per dwelling unit is used in the City's General Plan for medium density residential, but the Draft EIR does not make a distinction between the average density for the City or for medium density projects.

Response to Comment 15.12: The comment does not provide substantial evidence of any potential environmental impact. According to the City of Tustin General Plan (p. 43), the City has established average

population factors for different residential densities related to the Planned Community (PC) Residential use: 3.25 persons per dwelling unit for low density residential development, 2.73 persons per dwelling unit for medium density residential development, and 2.12 persons per dwelling unit for high density residential development.

The proposed Project would result in an average net density of approximately 17.06 dwelling units per acre, with variation across building types. For purposes of the CEQA analysis, the medium density rate of 2.73 persons per dwelling unit was applied, resulting in an estimated population increase of approximately 396 residents. This factor was selected because it is higher than the high-density factor of 2.12 persons per dwelling unit, thus representing a more conservative (i.e. higher-impact) analysis. If the less conservative high-density rate of 2.12 persons per dwelling unit were used, the estimated increase would be approximately 308 residents. This would result in proportionally fewer environmental impacts.

The commenter notes that the estimate of 396 residents is consistent with application of the 2024 California Department of Finance average household size for the City of Tustin of 2.75 persons per dwelling unit, which further supports the accuracy of the analysis. Therefore, the Draft EIR presents a conservative and fact-based assessment of population generation, and no further analysis is required.

Comment 15.13: This comment states that the PCCB land use designation allows for residential uses which support the PCCB land use designation, and the commenter questions if a fully residential project would support a PCCB designation. The comment further states that the maximum density of 54 person per acre is not consistent with the Projects claim of medium density, as the General Plan states medium density represents a density range of 2 to 41 persons per acre. The General Plan further states that 2.12 persons per dwelling units for high density development is appropriate resulting in a population density range of 2 to 53 persons per acre. The rate of 2.12 persons per dwelling unit would result in a total population of 307 for the Project site, less than the 396 is proposed.

Response to Comment 15.13: The comment does not provide substantial evidence of any potential environmental impact. The Project site is designated *Planned Community Commercial Business (PCCB)* under the City's General Plan. As stated in the General Plan Land Use Element (p. 44), the PCCB designation "may also permit other uses (such as residential uses) which support this land use designation." The Project's residential use is consistent with the PCCB designation because it would support and complement nearby commercial and employment uses within the greater area by providing needed housing opportunities in proximity to local jobs and services, thereby advancing mixed-use and balanced growth objectives identified in the General Plan.

The commenter correctly notes that the General Plan (p. 43) defines the general medium-density population range as 2 to 41 persons per acre. However, the commenter overlooks the specific density standard established for the PCCB designation itself. The General Plan Land Use Element (p. 44) explicitly states:

"The overall population density range for residential use within the PC Business/Commercial designation is 2 to 54 persons per acre."

The Draft EIR's projected population of 396 residents on the 8.5-acre site results in a density of 46.6 persons per acre, which is well within the allowable 2-to-54 persons per acre range for the PCCB designation. Therefore, the project is consistent with the General Plan's allowable population density

Comment 15.14: This comment states that the proposed Project' density of 17.06 units per acre are much closer to the high density residential density of 17.39 dwelling units per acre than the medium density residential of 11.834 dwelling units per acre. The proposed Project includes larger units, with more bedrooms than the City's average and would therefore result in a higher population density that typical City rates per unit. If the EIR were to analyze population based on Department of Housing and Community Development (HCD) guidelines, or simply a rate of one person per bedroom, the population generation for the proposed

Project would be higher than what is accounted for in the Draft EIR and would be well above what the General Plan limits.

Response to Comment 15.14: The comment does not provide substantial evidence that the proposed Project would result in inconsistencies with the City's General Plan or any new significant environmental impacts.

As noted in the City of Tustin General Plan Land Use Element (2018, p. 44), the *Planned Community Commercial/Business (PCCB)* designation "may also permit other uses (such as residential uses) which support this land use designation," and "the overall population density range for residential use within the PC Business/Commercial designation is 2 to 54 persons per acre." Therefore, residential uses such as the proposed Project are expressly contemplated within the PCCB designation, and the applicable population density range under this designation is up to 54 persons per acre.

The City acknowledges the commenter's observations that the Project proposes an average net density of approximately 17.06 dwelling units per acre, which is characteristic of the *high-density residential* effective dwelling unit rate (17.39 du/ac) referenced in Table LU-2 of the General Plan (p. 36). While this density is characteristic of high-density development, it remains well within the range of residential densities envisioned under the PCCB designation and consistent with the General Plan's population density limit of 54 persons per acre. Density ranges within the General Plan are generalized guidance to describe development patterns; they are not regulatory thresholds that determine environmental impact significance under CEQA.

Regarding household size, the Draft EIR applied the City's General Plan demographic factors of 2.73 persons per dwelling unit for medium-density residential uses (p. 43), resulting in an estimated 396 residents. This approach is consistent with City-adopted data and represents a comparable assumption relative to a second data point, the California Department of Finance's 2024 citywide average of 2.75 persons per dwelling unit.

The commenter's reliance on bedroom count and the California Department of Housing and Community Development (HCD) occupancy standards is misplaced. The HCD's "Minimum Number of Persons in Household" guidelines, cited by the commenter, apply specifically to *multifamily rental housing developments assisted by the Department of Housing and Community Development* (Uniform Multifamily Regulations [UMR] §8300–8305). These rates are not applicable to for-sale residential units such as those proposed under this Project and are not intended to estimate citywide or project-level population for CEQA purposes.

Furthermore, CEQA analyses are based on reasonable, representative demographic data—such as that contained in a jurisdiction's General Plan—not hypothetical maximum bedroom occupancy. The Project's use of 2.73 persons per dwelling unit aligns with established City methodology and provides a conservative population estimate for environmental assessment.

Accordingly, the Draft EIR appropriately characterizes the Project's density and population generation using City-adopted data. The Project is consistent with the allowable population range for the PCCB designation (2 to 54 persons per acre). No evidence has been provided that the Project's population or density assumptions are inaccurate or would result in new or more severe impacts than analyzed. Therefore, no revisions to the EIR are required.

Comment 15.15: This comment states that due to the large size of the proposed units, there is potential that these units may be used to sublease to multiple renters in a single units. The comment urges the City to recognize the problem similar to the City's Affordable Housing Program requiring units be given to those who would utilize the home as their primary residence. The comment concludes in stating 2-3 people per unit for 4 or 5 bedroom homes does not make sense.

Response to Comment 15.15: The comment does not provide substantial evidence of any potential environmental impact. CEQA requires that an EIR rely on factual, Project-specific data, not speculation or

conjecture. The Draft EIR population analysis for the Project is based on the City of Tustin General Plan demographic assumptions, which establish an average household size of 2.73 persons per dwelling unit for medium density residential development (City of Tustin, 2018, p. 43). These data-driven assumptions are appropriate for environmental impact analysis and are supported by substantial evidence.

The commenter's speculation that some 5-bedroom units could be used as rooming houses or for subleasing is not supported by any Project-specific evidence. The Project consists of 145 for-sale single-family homes that are subject to all applicable City codes, including zoning and occupancy requirements. There is no evidence that the units would be used in any manner inconsistent with their designation as single-family residences.

CEQA does not require analysis of hypothetical uses that are not reasonably foreseeable or supported by substantial evidence. Therefore, the Draft EIR's use of 2.73 persons per unit as the basis for population and related impact analyses is reasonable and conservatively estimates potential environmental effects. No further analysis or revisions to the EIR are required.

Comment 15.16: This comment states that because the Draft EIR underestimates the proposed Project's population density, impacts related to population growth, land use, fire services, police, schools, parks, and water usage would all be more severe than what has been analyzed.

Response to Comment 15.16: The comment does not provide substantial evidence that the Project's analysis of impacts on city services is inaccurate or inadequate. As established in the detailed Responses to Comments 15.12 through 15.15 above, the Draft EIR population analysis relied on the City of Tustin General Plan demographic assumptions of 2.73 persons per dwelling unit for medium density residential development, resulting in an estimated 396 residents (City of Tustin, 2018, p. 43). Further, these same Responses explain that this estimate is based on City-adopted data and represents a conservative and fact-based approach for CEQA purposes.

Population estimates for the Project were used consistently throughout the Draft EIR to assess potential impacts on land use, fire and police services, local schools, parks, and water supply. The use of 396 residents as the basis for these analyses is reasonable, conservative, and supported by substantial evidence, including General Plan data and the California Department of Finance 2024 household size for the City. Speculative claims that the Project could exceed these estimates are not supported by any Project-specific evidence and do not alter the Draft EIR's conclusions.

Accordingly, the Draft EIR appropriately assesses potential impacts to city services based on substantial evidence, and no further analysis or revisions are required.

Comment 15.17: This comment states that the proposed Project's removal of two vehicle entrances and large increase in population density would result in significant choke points during peak hours as well as cause problems in the case of an evacuation. The commenter urges the Fire department to look closely at the proposed Project.

Response to Comment 15.17: This comment does not provide any substantial evidence that the proposed Project would result in a significant new environmental impact. As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (Public Resources Code Section 21099[b][1]); and that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion, as it "shall not be considered an impact on the environment". As such, pursuant to Public Resources Code Section

21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion as it shall not be considered an impact on the environment.

Potential Project impacts to traffic safety are discussed under Draft EIR Section 7.16, *Transportation*, and Initial Study Section 5.17, *Transportation* (included as Appendix A to the Draft EIR). As stated in the Initial Study, all on-site drives would be developed in conformance with City design standards. Access to the Project site would be provided by a 27-foot-wide driveway along Prospect Avenue that would taper into a 28-foot-wide drive aisle. The driveway and drive aisle would be designed in compliance with the City's design standards to provide for adequate turning for passenger cars, fire trucks, and delivery trucks. The design of the on-site circulation would be reviewed by the City's traffic engineer to ensure that traffic conditions are safe in compliance with Section 5313, *Engineering Administration*, of the City's Municipal Code. Lastly, the Orange County Fire Authority reviewed the Project and determined there were no safety issues. Thus, no further analysis regarding traffic safety is required.

Comment 15.18: This comment states that the proposed Project would result in high density residential adjacent to lower residential densities which is explicitly called out as a land use incompatibility within the General Plan. The comment further states that the General Plan includes policies to complement the low density, semi rural character of the North Tustin unincorporated area.

Response to Comment 15.18: The comment does not provide substantial evidence that the Project would result in a significant land use compatibility impact. The Initial Study (p. 88), included in Appendix A of the Draft EIR, fully evaluated the Project's consistency with the City of Tustin General Plan Land Use Element, including policies regarding compatible and complementary development and the semi-rural character of North Tustin. (Appendix A, Initial Study, pp. 88-104.) As discussed in Response to Comments 15.11 through 15.13, the Project's population and density assumptions are based on City-adopted data and represent a conservative estimate. The Project's average net density of approximately 17.06 dwelling units per acre is consistent with the medium- to high-density ranges contemplated in the General Plan for the Planned Community Commercial/Business designation (2 to 54 persons per acre, City of Tustin, 2018, p. 44) and is located within an area planned for development under the City's adopted zoning and land use framework.

The Draft EIR also considers design features and mitigation measures that ensure compatibility with surrounding uses, including setbacks, landscaping, and architectural design, which minimize potential visual and land use conflicts. CEQA requires analysis based on substantial evidence, not speculation regarding perceived character changes. There is no substantial evidence that the Project would create incompatibilities with surrounding North Tustin neighborhoods or compromise General Plan goals and policies. Therefore, the Draft EIR appropriately evaluates land use consistency, and no further analysis or revisions are required.

Comment 15.19: This comment states the tract that the Project site is located within is a long-established community of single-family homes which are mostly occupied by a more elderly population. The comment further states that this population is more vulnerable to health threats related to construction activity and changes in quality of life.

Response to Comment 15.19: The comment does not provide substantial evidence of any potential environmental impact. While the commenter cites demographic characteristics of Census Tract 757.02, these observations do not demonstrate that the Project would result in significant environmental effects. CEQA requires analysis to be based on factual, project-specific data and substantial evidence, not anecdotal or comparative demographic descriptions.

As described in Responses to Comments 15.11 through 15.16, the Draft EIR evaluates the Project's population, density, and land use consistency using City-adopted demographic and planning data. The Project's estimated 396 residents are based on the City of Tustin General Plan household size assumptions for medium density residential development (2.73 persons per dwelling unit) and are consistent with the California

Department of Finance 2024 citywide household size. The Project's design and location are consistent with the Planned Community Commercial/Business designation, which contemplates residential uses that support surrounding commercial and employment activities.

Potential health impacts related to construction activities, including air quality and particulate matter exposure, were assessed in the Draft EIR and found to be less than significant with implementation of Mitigation Measure AQ-1, including the use of Tier 4 Final or superior equipment (see Response to Comments 15.7 and 15.8 regarding air quality and health risk).

No substantial evidence demonstrates that the Project would create disproportionate environmental or health impacts on local residents. Therefore, the Draft EIR's analyses are appropriate, and no further revisions or additional analysis are required.

Comment 15.20: This comment states that the development of three-story buildings within 10-feet of property boundaries with little to no treescape buffer would eliminate any privacy of the adjacent homes. The comment points to a similar three-story townhome project near Prospect Park which was designed such that windows would not be looking into adjacent properties.

Response to Comment 15.20: The comment does not provide substantial evidence that the Project would result in significant environmental impacts related to privacy. As addressed in Response to Comment 15.4, all proposed Project activities, including tree removal and construction, occur within the Project site boundaries, and the Draft EIR focuses on potential physical environmental effects consistent with CEQA (CEQA Guidelines §§15064, 15360). The Arborist Report and Draft EIR analyzed the removal of onsite and offsite trees and determined that construction would not be expected to cause substantial effects to neighboring trees or other environmental resources.

While the commenter expresses concern regarding visual privacy from three-story buildings, CEQA does not treat perceived privacy loss as a physical environmental impact. The Draft EIR evaluates the Project's building placement, setbacks, and overall site design relative to surrounding properties, and includes mitigation and standard design practices to minimize visual intrusion, such as setbacks, landscaping, and orientation.

Comparisons to other developments, such as the Jessup Project, are not determinative of environmental impacts. The Draft EIR appropriately assesses potential effects based on Project-specific plans, substantial evidence, and applicable General Plan standards. Therefore, the privacy concerns raised by the commenter do not constitute substantial evidence of a significant environmental impact, and no further analysis or EIR revisions are required.

Comment 15.21: This comment states that Tustin Municipal Code requires single family units with 5 or ore bedrooms are required to include 3 parking spaces all located within a fully enclosed garage while the proposed Project only includes 2 garage parking spaces per single-family dwelling unit. The comment further states that because the unit sizes are larger than the City average, the City's requirement of 1 guest parking space per every 4 units would not be sufficient to serve the proposed Project, and parking would spill over to adjacent roadways which is inconsistent with the goals and policies of the General Plan.

Response to Comment 15.21: The comment does not provide substantial evidence that the Project would result in significant environmental impacts. Parking impacts, in and of themselves, are not impacts on the environment for CEQA purposes. In any event, the Project would not result in any parking deficiencies.

As described in the Draft EIR (Section 3.0, Project Description) and consistent with the Development Plan/Planned Community Regulations to be adopted as part of the Zone Change, the Project would provide two enclosed garage parking spaces per dwelling unit, and one unassigned guest parking space for every four units. This equates to a total of 326 required parking spaces for the Project. The Project would provide

290 enclosed residential parking spaces and 40 designated visitor parking spaces along internal drive aisles, for a total of 330 spaces, exceeding the guest parking requirement by four spaces.

Although 19 single-family detached units have five bedrooms, which under the Code could require three enclosed spaces per unit, the proposed Planned Community Regulations governing development of the Project would establish a parking requirement specific to this planned community of two enclosed garage parking spaces per dwelling unit regardless of the number of bedrooms. The Draft EIR conservatively accounts for potential parking demand, and the Project's overall parking supply is sufficient to meet anticipated residential and visitor needs.

Based on substantial evidence in the Draft EIR, no additional analysis or revisions are required.

Comment 15.22: This comment states that the Draft EIR does not provide a thorough analysis of the proposed Reduced Project Alternative. The comment states that the Reduced Project Alternative would result in a higher density. The comment further states that the discussion of the Reduced Project Alternative does not mention visitor parking or the removal of the onsite trees or access plans. The comment states that the layout of the buildings is not shown and the type of visual impacts on the adjacent homes is not shown.

Response to Comment 15.22: The comment does not provide substantial evidence that the Reduced Project Alternative would result in significant environmental impacts beyond those analyzed for the proposed Project. As described in the Draft EIR, Alternative 1: No Project/No Development Alternative consists of the Project not being approved, leaving the Project site in its existing condition as of the Notice of Preparation (May 30, 2025) (Draft EIR, p. 8-5). Alternative 2: Reduced Project Alternative consists of constructing the Project at a reduced scale, with demolition of two existing buildings and construction of 63 dwelling units on 3.5 acres, while the remaining three buildings and five acres of the site would be preserved in their existing condition (Draft EIR, p. 8-5).

The Draft EIR evaluates Alternative 2 based on reasonably foreseeable environmental effects, including reduced demolition, lower air quality emissions, and lower cancer risk (7.20 per million vs. 17.75 per million under the proposed Project). Three of the five existing buildings would be preserved, and impacts to cultural resources, noise, and construction would be reduced.

The commenter's concerns regarding visitor parking, tree preservation along the neighborhood boundary, building configuration, and privacy are not supported by substantial evidence. Per Section 15126.6 of the CEQA Guidelines, "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project". Because the DEIR did not identify parking or impacts to offsite trees as a significant effect, project alternatives are not focused on these topics. Further, a summary of comparative impacts is provided, comparing the Reduced Project Alternative to the proposed Project in Draft EIR, Table 8-2, consistent with what is required by Section 15126.6 of the CEQA Guidelines. Additionally, as noted in Response to Comment 15.18, perceived loss of privacy is not a physical environmental effect under CEQA and therefore does not constitute a significant environmental impact. The Draft EIR appropriately evaluates Alternative 2 using conservative assumptions regarding density, population, and site development. Based on substantial evidence, the Draft EIR adequately analyzes Alternative 2, and no additional analysis or revisions are required.

Comment 15.23: This comment states that the Reduced Project Alternative lacks specification and other Alternatives need to be analyzed such as removing the structures that are proposed along the southern and eastern boundaries to reduce impacts to the adjacent homes. The comment suggests this alternative would shorten construction, maintain the existing trees along the property boundary, and provide more space for the potential residents onsite. The comment further states that there are other housing Projects within the City that would assist in the City's housing goal without having such an impact on nearby existing residences, such as the Enderle Center Project and the Tustin Legacy Project.

Response to Comment 15.23: The comment does not provide substantial evidence that additional alternatives are required under CEQA. The Draft EIR evaluates a reasonable range of alternatives, including Alternative 1: No Project/No Development Alternative and Alternative 2: Reduced Project Alternative, consistent with CEQA Guidelines §15126.6. These alternatives analyze feasible ways to reduce the proposed Project's environmental impacts while achieving most of the Project objectives. CEQA does not require the Lead Agency to consider every conceivable alternative or alternatives that are speculative, financially infeasible, or outside the Project's objectives.

The commenter's suggestion to eliminate the 22 proposed buildings overlooking Howland and Arbolada is not supported by substantial evidence. While such a plan would reduce potential population and density, CEQA requires analysis based on substantial evidence of physical environmental effects, not hypothetical configurations or population estimates. As previously noted in Response to Comment 15.18, perceived privacy concerns do not constitute a physical environmental impact under CEQA.

References to other developments, such as the Enderle Center and Tustin Legacy, do not constitute substantial evidence of environmental impacts from the Project. Both sites are Housing Element Rezone projects, not physical development projects. Further, while a pre-application for a new project was submitted to the City in September 2025 for the Enderle site, it occurred after the Notice of Preparation was released on May 30, 2025, and the baseline was established for the Cypress Grove Project. Therefore, analysis of potential development on the Enderle Center site is not required to be considered under the Draft EIR for this Project.

Accordingly, these references are not relevant to the Draft EIR's analysis. The Draft EIR appropriately evaluates alternatives based on substantial evidence, and no further analysis or revisions are required.

Comment 15.24: This comment concludes the letter by asking the Planning Commission to reject the proposed Project and reserve the Tustin Financial Plaza or come up with a different proposal which is more consistent with the City's General Plan.

Response to Comment 15.24: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact and is conclusory in nature. As substantiated by the previous responses above, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Response to Comment Letter 15, Attachment A: Eric Gorsuch, Certified Arborist, October 22, 2025

22 October 2025
 EPD Solutions
 ATTN: Danielle Thayer
 RE: Response to Comments

Danielle:

The Scope of my report focused on the existing (43) trees on the Tustin Financial Plaza (TFP) east and south property line, not on any trees on the adjacent properties. The question was if the existing TFP trees could be incorporated into the new Cypress Grove Project design as provided at that time. The Scope did not include an opinion on the aesthetic value of the trees, environmental consequences or any other effects of their removal. In other words, my report was to answer one specific question and not larger general questions.

In regard to the 15.4 comment, it is *possible*, and it would not be surprising if some offsite tree roots have encroached on the TFP property. If so, they may be “intermingling” with the existing TFP tree’s roots. And when the TFP trees are removed, and the stumps ground, these roots would likely be damaged. The question is if so, how significant is that root(s), and what percentage of the overall root structure of that tree(s) would be pruned?

In your response to comment 15.4 you stated, “Mature tree roots can extend two to three times the distance of the trunk to the dripline,” quoting an article by Dr. Ed Gilman. This is *generally* correct and is commonly accepted in Arboriculture. However, it is also known and accepted that other soil and site conditions will affect this,¹ specifically here with the boundary wall. The footer for this wall, assuming 1-2 ft., would reduce the amount of root intrusion into the TFP property. As the main excavations would be 10+ ft. from that wall, root pruning of roots from adjacent property trees would likely not result in any significant health or structural stability decline.

During my site visit earlier this year for the report I did not observe any roots from the offsite trees near the TFP wall. I believe there is a Low Likelihood of significant damage of offsite tree roots resulting from the removal of the TFP trees. Additionally, the tree removal process by a qualified Tree Care

¹ Harris, Richard, James R. Clark, Nelda P. Matheny. 2004. *Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines*. Upper Saddle River, NJ: Prentice Hall, pp. 27-28. Other elements include tree species, age, condition (vitality), type of soil, water table and soil compaction.



V & E Tree Service, Inc.
 P.O. Box 3280 Orange, CA 92857 714-997-0903 Fax 714-637-4070





contractor would be performed in a manner that follows ANSI Z133 Safety Standards.² These are the standards and best practices for the Arboricultural industry. Following Section 3.4 (Jobsite Briefing) and Section 9 (Tree Care Operations) the trees will be removed in such a manner as to minimally disturb any surrounding trees to be protected.

With the incorporation of these safety standards, I would not anticipate that there would be any significant damage of offsite tree roots that would result in a loss of any offsite trees.

Please let me know if I may address any other of the tree-related concerns.

Eric Gorsuch

 RCA #575

Registered Consulting Arborist®

ISA Certified Arborist WE-7438A

ISA Tree Risk Assessment Qualified

TCIA Certified Treecare Safety Professional 00144

OSHA 501

714-222-2735

² ANSI Z133, 2025. American National Standards for Arboricultural Operations – Safety Requirements (Revised 2025). Champagne, IL: International Society of Arboriculture.



V & E Tree Service, Inc.

P.O. Box 3280 Orange, CA 92857 714-997-0903 Fax 714-637-4070



Comment Letter 16: Beth Burger (2 pages)

Re: Draft EIR Comments – Cypress Grove Residential Project

Dear Mr. Maldonado,

I am a 27-year homeowner at 17811 Arbolada Way, which backs directly up to the Tustin Financial Plaza. One of the reasons we chose to live in Tustin was its strong sense of community, long-term neighborhood stability, and the ability to enjoy our homes without the pressures of high-density development. I submit the following comments in opposition to the Cypress Grove project, and request that these be incorporated into the Draft Environmental Impact Report (EIR) record.

16.1

1. Cumulative Overdevelopment

This rezoning request comes less than half a mile from the approved 413-unit Enderle Center project. Adding 145 more units at the Financial Plaza site would create cumulative impacts on traffic, congestion, parking demand, and air quality that extend well beyond what local infrastructure can sustain. The Draft EIR must analyze these cumulative effects under CEQA, not in isolation, and identify enforceable mitigation measures.

16.2

2. Incompatibility with Surrounding Neighborhood

The existing neighborhood adjacent to the Financial Plaza is established, quiet, and home to an older population. The introduction of a large-scale, high-density complex directly behind these homes would result in potentially significant impacts to community character, privacy, and safety. The EIR must evaluate aesthetics, shade/shadow effects, and massing transitions to ensure compatibility with adjacent single-family homes.

16.3

3. Loss of Valuable Commercial Space

The project would demolish nearly 193,000 square feet of multi-level office space, eliminating a long-standing employment and economic asset for the City. This permanent loss of commercial capacity reduces future job growth potential and undermines the City's adopted General Plan balance of jobs and housing. The Draft EIR must analyze this irreversible land use change and evaluate alternatives that retain some commercial or mixed-use function.

16.4

4. Applicant Qualifications and Risk

The applicant, The Keleman Group, has no residential development track record and a documented history of litigation. Given the scale of this proposal and the inconsistent messaging regarding site use, the City should carefully weigh whether this applicant is qualified to deliver a project of this magnitude. At a minimum, the Draft EIR should require a robust implementation and phasing plan

16.5

with enforceable conditions to protect residents during and after construction, as well as a remedial action plan should the developer not be able to financially complete the project.	I6.5 Cont.
<p>5. Environmental and Infrastructure Impacts Beyond traffic, the project would increase demand on utilities, emergency services, and schools, creating cumulative environmental and service impacts in combination with nearby approved projects. The Draft EIR must evaluate these impacts and propose mitigation measures such as infrastructure upgrades, funding for public safety, and school capacity analyses.</p>	I6.6
<p>Specific Requests for Project Revisions / Mitigations</p>	
<p>1. Relocate Project Access – The current plan shows a single entry/exit on Prospect Avenue. This design creates significant traffic safety hazards, particularly with left turns and cross-traffic. Fatalities have already occurred on this stretch of Prospect. The Draft EIR must evaluate alternatives that relocate access to the existing 17th Street entry at the existing signalized intersection, which offers safer traffic management.</p>	I6.7
<p>2. Protect Privacy for Adjacent Residents – Units backing onto Arbolada Way and Howland Way should be restricted to two stories maximum with no upper-story windows facing neighboring yards. Without this requirement, the project would cause significant privacy and livability impacts.</p>	I6.8
<p>3. Address Parking Spillover – A 145-unit complex will create parking overflow that burdens nearby residential streets. The Draft EIR must analyze parking adequacy and require enforceable measures such as residential permit parking programs for Arbolada and Howland Way.</p>	I6.9
<p>Construction Impacts The demolition and construction period, projected to last two years, will expose surrounding residents to air quality, noise, traffic hazards, and water quality impacts. The Draft EIR must include enforceable measures (e.g., dust control, restricted haul routes, noise limits, and stormwater protections) to reduce these impacts.</p>	I6.10
<p>Conclusion For the reasons above, I urge the City to either reject the rezoning request or substantially modify the project to ensure it is consistent with CEQA, protects existing neighborhoods, and reflects responsible, balanced growth. Tustin deserves development that supports both housing needs and economic stability—not speculative high-density projects led by inexperienced developers.</p>	I6.11
Thank you for considering these comments as part of the Draft EIR process.	
Sincerely, Kevin & Beth Burger	

Response to Comment Letter I6: Beth Burger, September 27, 2025

Comment I6.1: This comment introduces the letter stating that the commenter lives on a property directly adjacent to the proposed Project site and requests their comments be included into the Draft EIR record.

Response to Comment I6.1: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. Thus, no further response is warranted.

Comment I6.2: This comment states that the Draft EIR must analyze the potential cumulative impacts of combining the Project with the approved 413-unit Enderle Center Project.

Response to Comment I6.2: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. The Draft EIR prepared for the Project accurately analyzes potential cumulative impacts from the Project in conjunction with other past, present, and foreseeable future developments in the Project vicinity throughout the Draft EIR under each applicable environmental topic area. The Draft EIR uses a combination of the list method and the projection method based on the unique topic area. Table 5-1 of the Draft EIR lists cumulative projects utilized in the cumulative analysis of the Project. The list of cumulative projects was developed using a list of past, present, and future projects within the Project vicinity.

While the City approved a recent zone change at the Enderle Center site to allow for residential development, no applications for development on the Enderle site had been received by the City, when the Notice of Preparation was released on May 30, 2025 and the baseline was established for the Cypress Grove Project. The Enderle Center site was identified as "candidate" site for possible future housing, along with other candidate housing sites as identified in the City's 2021-2029 Housing Element. The Government Code section under which the "candidate" sites were identified expressly recognizes that development is not guaranteed. (Govt. Code § 65583(a)(3) [a housing element shall include an "inventory of land suitable and available for residential development, including vacant sites and sites having a realistic and demonstrates *potential* for redevelopment during the planning period" to meet the City's assigned regional housing needs assessment allocation] [emphasis added].) The City's Housing Element (and Housing Opportunity Overlay Zoning Districts) identified hundreds of acres of land, accommodating a *theoretical* 8,138 dwelling units. Those units were theoretical, and no housing was proposed at the Enderle Center site. A pre-application for a new project was submitted to the City in September 2025 for the Enderle site. However, because it was after the baseline was established for the Cypress Grove Project, analysis of potential development on the Enderle Center site is not required to be considered under the Draft EIR for this Project.

Comment I6.3: This comment states that the introduction of high-density residences would significantly impact the community's character, privacy, and safety. The comment requests that the Draft EIR analyze aesthetics, shadow effects, and massing to ensure compatibility with the nearby single-family homes.

Response to Comment I6.3: The comment does not provide substantial evidence of any environmental impact related to visual character or public safety. As discussed in Section 7.1, *Aesthetics*, of the Draft EIR and Section 5.1, *Aesthetics*, of the Initial Study (included as Appendix A to the Draft EIR) the proposed Project would result in a less than significant impact on visual character and quality. Impacts to visual character and quality are determined by assessing whether the project would conflict with applicable zoning and other regulations governing scenic quality. The Project would require a zone change from PC BUS PARK to PC RES to allow for the development of the proposed residential units. Pursuant to Tustin City Code Section 9244,

the Planned Community (PC) District Zone does not have prescriptive development standards; rather, the Project would establish custom development standards (such as setbacks, scaling, height transitions, etc.) as part of the development plan, including supplementary text materials. The proposed development standards with which the Project would comply would be compatible with the character and quality of existing surrounding uses, which would be ensured through the City's design review and plan check processes. Therefore, the Project could result in a visual change from existing conditions but would comply with applicable zoning and other regulations governing scenic quality and would not result in an impact to visual character pursuant to CEQA. As such, the Draft EIR is not required to further analyze impacts related to visual character.

In regard to impacts to privacy, CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, completed for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then up to the City's decision makers to weigh the environmental impacts identified in the environmental impact report, against the Project merits (which includes its economic and social effects), in deciding whether to approve or disapprove a proposed Project. As such, the Draft EIR is not required to analyze impacts related to privacy as it shall not be considered an impact on the environment.

Comment 16.4: This comment states that the proposed Project would demolish an employment and economic asset for the City which would reduce future job growth and undermines the City's adopted General Plan balance of jobs and housing. The comment requests that the Draft EIR analyze the irreversible land use change and evaluate alternatives that retain some commercial uses onsite.

Response to Comment 16.4: CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The project merits, including any economic and social effects of the project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the project's potentially significant physical impacts on the environment and does not include a discussion of economic impacts of the Project. Furthermore, CEQA Guidelines Section 15204(a) states that when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers. Thus, further discussion related to the economic impacts of the Project is not provided. While urban decay may be a significant impact for purposes of CEQA, there is no reason to presume that urban decay would be a consequence of the project given the scope of demolition and activities that would be removed from the project site. (*Placerville Historic Preservation League v. Judicial Council of California* (2017) 16 Cal.App.5th 187.)

Additionally, as discussed in Chapter 6 of the Draft EIR, Other CEQA Considerations, the City of Tustin and the County of Orange are "jobs rich" areas, with an existing jobs-housing ratio of 1.91 and 1.67, respectively. The proposed Project would reduce (improve) the jobs-housing ratio slightly by adding 145 residential units. The proposed Project would provide a regional beneficial effect of providing the opportunity for housing on the Project site in a jobs-rich area, where future residents can easily travel to nearby employment opportunities (Draft EIR p. 6-2). Further, the Project would progress the City of Tustin General Plan Housing Element, Goal 1, which states "Provision of an adequate supply of housing to meet

the need for a variety of housing types and the diverse socio-economic needs of all community residents commensurate with the City's identified housing needs in the RHNA allocation" by increasing the City's housing stock and complying with the State's mandate to increase housing in the region (Initial Study p. 92).

Comment 16.5: This comment states that the Project applicant has no history of residential development and questions whether they are qualified to implement the proposed Project. The comment requests that the Draft EIR require an implementation and phasing plan to reduce construction impacts on nearby residents as well as a remedial action plan in case the Applicant is unable to financially complete the Project.

Response to Comment 16.5: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The project merits, including any economic and social effects of the project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the project's potentially significant physical impacts on the environment and does not include a discussion of the Project Applicant's experience as a developer. Furthermore, CEQA Guidelines Section 15204(a) states that when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers. Thus, further discussion related to the Project Applicant's experience as a developer is not provided.

Comment 16.6: This comment states that the proposed Project would result in an increased demand for utilities, emergency services, and school in combination with nearby approved residential Projects. The comment states that the Draft EIR should evaluate these cumulative impacts and provide mitigation measures to reduce any impacts.

Response to Comment 16.6: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As discussed in Section 7.14, *Public Services*, of the Draft EIR and in Section 5.15, *Public Services*, of the Initial Study (included as Appendix A to the Draft EIR) the Project would introduce approximately 396 new residents to the area, generating a corresponding increase in demand for public services such as police services, fire services, and schools. As discussed under Initial Study Section 5.15, the proposed Project was determined to have a less than significant impact on public services, including on police services, fire services, and schools. Further, the need for additional school facilities is addressed through compliance with school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) sets forth a State school facilities construction program that includes restrictions on a local jurisdiction's ability to condition a project on mitigation of a project's impacts on school facilities in excess of fees set forth in the Government Code. Pursuant to Government Code Section 65995, applicants pay developer fees to the appropriate school districts at the time building permits are issued; and payment of the adopted fees provides full and complete mitigation of school impacts. Therefore, additional mitigation for public services would not be required for the Project.

As further discussed in Draft EIR Chapter 6, *Other CEQA Considerations*, the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service. Based on service ratios and buildout projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, an indirect growth-inducing impact as a result of expanded or new public facilities that could support other development in addition to the proposed Project would not occur.

As discussed in Draft EIR Section 7.17, *Utilities and Service Systems*, and Initial Study Section 5.15, *Utilities and Service Systems*, the Project would introduce approximately 396 new residents to the area, generating a corresponding increase in demand for utilities, such as water, sewer, and drainage infrastructure. As discussed in the Draft EIR and Initial Study, the Project was determined to have a less than significant impact on utilities and service systems. Therefore, additional mitigation for utilities and service systems would not be required for the Project. No further analysis is required.

Comment 16.7: This comment states that the proposed project only includes one point of access which could create a traffic safety hazard. The commenter states that the Draft EIR must analyze alternatives to site access such as the use of the existing 17th street entry.

Response to Comment 16.7: This comment does not provide any substantial evidence that the proposed Project would result in a significant new environmental impact. As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Public Resources Code Section 21099[b][1]); and that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment” (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion, as it “shall not be considered an impact on the environment”.

Potential Project impacts to traffic safety are discussed under Draft EIR Section 7.16, *Transportation*, and Initial Study Section 5.17, *Transportation* (included as Appendix A to the Draft EIR). As stated in the Draft EIR and Initial Study, all on-site drives would be developed in conformance with City design standards. Access to the Project site would be provided by a 27-foot-wide driveway along Prospect Avenue that would taper into a 28-foot-wide drive aisle. The driveway and drive aisle would be designed in compliance with the City’s design standards to provide for adequate turning for passenger cars, fire trucks, and delivery trucks. The design of the on-site circulation would be reviewed by the City’s traffic engineer to ensure that traffic conditions are safe in compliance with Section 5313, *Engineering Administration*, of the City’s Municipal Code. Thus, no further analysis regarding traffic safety is required.

Comment 16.8: This comment states that units backing onto Arbolada Way and Howland Way should be restricted to two stories with no upper-story windows facing neighboring yards to mitigate impacts to privacy and livability.

Response to Comment 16.8: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR’s conclusions with respect to the topic raised are unsupported by substantial evidence. See Response to Comment 16.3 regarding impacts to visual character and privacy.

Comment 16.9: The comment states that the Draft EIR must analyze potential parking overflow impacts and require enforceable measures such as residential permits parking for Arbolada and Howland Way.

Response to Comment 16.9: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR’s conclusions with respect to the topic raised are unsupported by substantial evidence. As described in the Draft EIR (Section 3.0, *Project Description*) and consistent with the Development Plan/Planned Community Regulations to be adopted as part of the Zone Change, the Project would be required to provide two enclosed garage parking spaces per dwelling unit, and one unassigned guest parking space for every four units. This equates to a total of 326 required parking spaces for the Project. The Project would provide 290 enclosed residential parking

spaces and 40 designated visitor parking spaces along internal drive aisles, for a total of 330 spaces, exceeding the guest parking requirement by four spaces. Therefore, further analysis is not required.

Comment 16.10: This comment states that the Draft EIR should include mitigation to reduce potential impacts related to construction of the proposed Project.

Response to Comment 16.10: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. Construction impacts are discussed throughout the Initial Study (included as Appendix A to the Draft EIR) and the Draft EIR. Construction air quality impacts are discussed in Draft EIR Section 5.1, *Air Quality*, on Table 5.1-8, which shows that construction emissions generated by the proposed Project would not exceed SCAQMD regional thresholds and impacts would be less than significant. Additionally, Table 5.1-10 provides an analysis of construction-related impacts to sensitive receptors in the immediate vicinity of the construction activity. As shown in Draft EIR Table 5.1-10, the maximum daily construction emissions from the construction of the proposed Project would not exceed the applicable SCAQMD LST thresholds at the closest existing sensitive receptor. Therefore, impacts would be less than significant. A construction health risk assessment (HRA) (included as Appendix D to the Draft EIR) was also prepared, which analyzed the potential health impacts to sensitive receptors from the construction of the proposed Project. The HRA focuses on the emissions of diesel particulate matter (DPM) from the operation of the heavy-duty diesel vehicles and off-road construction equipment that would be utilized for the construction of the proposed Project. As shown on Draft EIR Table 5.1-11, the maximum cancer risk would be 17.75 in one million, which would exceed the SCAQMD cancer risk threshold of 10 in one million. The maximum non-cancer health risks would be less than 0.03, which is below the threshold of 1.0. However, with implementation of Mitigation Measure AQ-1, which would require the Project to utilize Tier 4 Final or superior equipment for engines exceeding 100 horsepower (hp), the maximum cancer risk, as shown in Draft EIR Table 5.1-12 would be reduced to 9.13 in one million and would be below the 10 in one million threshold. In addition, the proposed Project would be required to adhere to SCAQMD Rules 403, 113, and 402 (included as PPS AQ-1 through AQ-3 in the Draft EIR) requiring measures to reduce fugitive dust. Thus, there would be no significant air quality impacts related to construction of the proposed Project, and there is no nexus for further mitigation related to air quality impacts.

Construction noise impacts were analyzed in Draft EIR Section 5.3, *Noise*, which were found to be less than significant. As shown on Draft EIR Table 5.3-8, construction noise from future buildout of the proposed Project at the nearby receptor locations would range from 70 to 72 dBA Leq, which would not exceed the 80 dBA Leq and 85 dBA Leq construction noise level criteria as established by the FTA for residential and commercial land uses, respectively. Therefore, impacts would be less than significant and there is no nexus for additional mitigation related to construction noise.

Traffic impacts during construction are discussed in Section 5.16, *Transportation*, of the Draft EIR and Section 5.17, *Transportation*, of the Initial Study (Included as Appendix A to the Draft EIR) which found that impacts would be less than significant. As discussed on Initial Study page 124, should road closures be needed during construction, the Project would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures and measures to properly route heavy-duty construction vehicles entering and leaving the site (as applicable), consistent with the City of Tustin Standard Plans and Design Standards (included as Initial Study PPP T-1). Therefore, impacts would be less than significant and there is no nexus for additional mitigation related to traffic impacts during construction.

As discussed in Draft EIR Section 7.10, *Hydrology and Water Quality*, and Initial Study Section 5.10, *Hydrology and Water Quality*, because construction of the Project would disturb more than one acre of soil, the Project is required to obtain coverage under the NPDES General Permit for Discharges of Storm Water

Associated with Construction Activity. Construction activity subject to this permit includes clearing, grading, and ground disturbances such as trenching, stockpiling, or excavation. The Construction General Permit requires implementation of a SWPPP that is required to identify all potential sources of pollution that are reasonably expected to affect the quality of storm water discharges from the construction site. The SWPPP would generally contain a site map showing the construction perimeter, proposed buildings, stormwater collection and discharge points, general pre- and post-construction topography, drainage patterns across the site, and adjacent roadways. The SWPPP would also include construction BMPs and is included in the Initial Study as PPP HYD-1. Thus impacts related to water quality during construction of the proposed Project would be less than significant, and there is no nexus for further mitigation measures.

Comment I6.11: This comment concludes the letter by stating that the City should reject the proposed Project or modify to protect existing neighborhoods and promote balanced growth.

Response to Comment I6.11: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact and is conclusory in nature. As substantiated by the previous responses above, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment Letter 17: Leslie Lissiner (7 pages)

Re: Comments and Petition on Draft EIR for the Cypress Grove Residential Project

Dear Mr. Maldonado,

We are in receipt of the letter dated September 26, 2025, from Curt and Caroline Fleming, a copy of which is attached hereto.

We repeat and rely on that set forth therein, and wholly support the comments therein.

Additionally, we are in receipt of the Petition to Stop the Re-Development of the Tustin Financial Center, a copy of which is also attached hereto, and we also repeat and rely on that set forth therein.

17.1

We respectfully request that the City of Tustin reject the proposed re-development of the site, or alternatively, require strong design modifications, setbacks, and buffering to reduce the project's impact on existing homeowners.

Yours truly,



Doug and Leslie Lissner
By: Leslie Niven Lissner

Re: Comments on Draft EIR for the Cypress Grove Residential Project

Dear Mr. Maldonado,

I am a homeowner at 17881 Arbolada Way, and I am writing to submit comments on the Draft Environmental Impact Report (EIR) for the proposed Cypress Grove Residential Project. I have also included my neighbors, Mrs. Beth Burger and Dr. Mauricio Cardenas, who share similar concerns and will be writing letters separately.

We recognize the importance of expanding housing opportunities in Tustin, but as currently designed, the Cypress Grove proposal raises serious concerns related to density, compatibility with the surrounding neighborhood, privacy, and environmental impacts.

1. Height, Massing, and Proximity to Existing Homes

Based on the plans provided, it appears that three-story homes are proposed directly behind the Arbolada Way wall, with a setback of only approximately 14 feet from our property line. This design would create significant privacy and view impacts for adjacent homeowners. The elevated grade of the project site further exacerbates the sense of height and scale.

17.2

The Draft EIR should evaluate whether this proximity and vertical massing are consistent with community character and whether additional setbacks, height transitions, or step-downs are required to mitigate impacts.

2. Lack of Landscape Buffering

The plans do not appear to show adequate landscaping, trees, or other buffering along the Arbolada property line. The absence of a meaningful landscape buffer would leave residents directly exposed to the scale of the

3. Neighborhood Compatibility and Circulation

The proposed project's density and configuration are incompatible with the surrounding single-family neighborhood and would result in potentially significant impacts to community character and livability. The Draft EIR must provide a detailed neighborhood compatibility analysis, including visual character, massing transitions, privacy impacts, and cumulative effects of increased density on adjacent streets. Without this analysis, the EIR fails to adequately evaluate aesthetic and land use impacts under CEQA.

In addition, the circulation plan raises potentially significant traffic and safety impacts. The project proposes a single ingress/egress along Prospect Avenue, which would funnel all residential traffic onto a constrained corridor, worsening congestion and creating turning-movement hazards. This is particularly concerning given the project's proximity to existing residential streets and schools.

The EIR should analyze alternative access scenarios, including the use of the existing signalized intersection at Prospect and 17th Street, which appears to be a logical and safer design solution. If the City does not pursue this alignment, the EIR must identify and require traffic safety mitigations, such as additional access points, turn pockets, or signal modifications, to reduce the project's circulation impacts.

4. Cumulative Impacts – Enderle Center Development

We also note that the City has approved a rezone for the Enderle Center site that would allow up to 413 residential units on property that currently provides restaurants and retail.

The Draft EIR for Cypress Grove must analyze how its impacts would combine with those of the Enderle Center and other foreseeable developments. In particular, the EIR should evaluate cumulative effects on traffic congestion, utilities, parking demand, pedestrian linkages, and overall community character. Without this cumulative analysis, the EIR risks underestimating the project's true impacts.

17.2
Cont.

5. Developer Qualifications and Community Ties

We are also concerned about the qualifications of the project applicant. To our knowledge, the developer has limited, if any, experience with residential development of this scale. In addition, they appear to lack established ties to the Tustin community. Given the long-term impact this project will have on existing neighborhoods, it is critical that the City evaluate not only the technical aspects of the proposal but also the applicant's demonstrated capacity to deliver a project that is compatible with, and respectful of, the surrounding community.

Conclusion

We respectfully request that the City require stronger design modifications, setbacks, and buffering to reduce the project's impact on existing homeowners. Without these measures, the proposed development would result in significant and unmitigated effects on neighborhood privacy, aesthetics, and livability.

~~respector of existing neighborhoods.~~

Sincerely,

Curt and Caroline Fleming

Response to Comment Letter 17: Leslie Lissner, September 28, 2025

Comment 17.1: This comment states that a copy of a letter from Curt and Caroline Flemming is attached to the comment letter, and that this commenter agrees with the comment provided. The comment also states that the Petition to Stop the Re-Development of the Tustin Financial Center is also attached within the letter. The comment concludes in stating that the comment requests that the City reject the proposed Project or require design modifications such as setbacks and buffering.

Response to Comment 17.1: The comment does not provide substantial evidence of any environmental impact and is introductory in nature. Thus, no further response is warranted.

Comment 17.2: This comment includes a letter provided by Curt and Caroline Flemming regarding the proposed Project.

Response to Comment 17.2: This letter is a copy of Comment Letter 16. Please see Response to Comments 16.1 through 16.11 for responses to this comment letter.

Comment 17.3: This comment includes an attached petition stating that the proposed Project is inconsistent with the character of the surrounding area and would result in a negative impact to property values and local businesses in the area.

Response to Comment 17.3: This petition does not provide any comments regarding the environmental impacts of the proposed Project. CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, completed for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then up to the City's decision makers to weigh the environmental impacts identified in the environmental impact report, against the Project merits (which includes its economic and social effects), in deciding whether to approve or disapprove a proposed Project.

This comment will be forwarded to the Applicant team and City decisionmakers as part of the Final EIR. No further response is required.

Comment Letter 18: Mauricio Cardenas (1 page)

Sept 28, 2025

Mr. Jorge Maldonado
Senior Planner
City of Tustin

Re: Cypress Grove Development – Draft EIR Comments

Dear Mr. Maldonado,

As a long-time homeowner on Howland Way, I am concerned about the impacts of the proposed Cypress Grove project. **The three-story buildings on elevated grade, set only about 4-15 feet from our backyards**, are simply **too tall, too dense, and out of scale** with this neighborhood.

18.1

This design would cause significant **privacy and livability impacts** for existing residents. The Draft EIR should require revisions such as limiting perimeter buildings to two stories and adding substantial landscape buffers.

I am also concerned about **the single access point on Prospect Avenue**, which creates traffic and safety hazards. Routing access to **17th Street at the existing traffic light** would be a safer and more compatible alternative.

18.2

Finally, this project cannot be looked at alone. When combined with the **413-unit Enderle Center development nearby**, Cypress Grove would contribute to **cumulative impacts** on traffic, air quality, and parking that will overwhelm local infrastructure.

18.3

I respectfully ask the City to require these revisions and cumulative impact analysis before moving the project forward.

Response to Comment Letter 18: Mauricio Cardenas, September 28, 2025

Comment 18.1: This comment states that the commenter is a homeowner on Howland way, and the proposed Project is too dense and out of scale with the neighborhood. The comment further states that the Project would result in privacy and livability impacts.

Response to Comment 18.1: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As discussed in Section 7.1, *Aesthetics*, of the Draft EIR and Section 5.1, *Aesthetics*, of the Initial Study (included as Appendix A to the Draft EIR) the proposed Project would result in a less than significant impact on visual character and quality. Impacts to visual character and quality are determined by assessing whether the project would conflict with applicable zoning and other regulations governing scenic quality. The Project would require a zone change from PC BUS PARK to PC RES to allow for the development of the proposed residential units. Pursuant to Tustin City Code Section 9244, the Planned Community (PC) District Zone does not have prescriptive development standards; rather, the Project would establish custom development standards (such as setbacks, scaling, height transitions, etc.) as part of the development plan, including supplementary text materials. The proposed development standards with which the Project would comply would be compatible with the character and quality of existing surrounding uses, which would be ensured through the City's design review and plan check processes. Therefore, the Project could result in a visual change from existing conditions but would comply with applicable zoning and other regulations governing scenic quality and would not result in an impact to visual character pursuant to CEQA. As such, the Draft EIR is not required to further analyze impacts related to visual character or consistency with applicable regulations governing scenic quality.

In regards to impacts to privacy, CEQA is an environmental protection statute that is concerned with the physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Any economic and social effects of the proposed project are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include a discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, completed for the purpose of identifying and disclosing environmental impacts, to inform both the public and the City's decision makers. It is then up to the City's decision makers to weigh the environmental impacts identified in the environmental impact report, against the Project merits (which includes its economic and social effects), in deciding whether to approve or disapprove a proposed Project.

Comment 18.2: This comment states that the commenter is concerned with the single point of entry/exit along Prospect Avenue which could lead to increased traffic and safety hazards.

Response to Comment 18.2: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR's conclusions with respect to the topic raised are unsupported by substantial evidence. As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (Public Resources Code Section 21099[b][1]); and that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section

21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion, as it “shall not be considered an impact on the environment”.

Potential Project impacts to traffic safety are discussed under Draft EIR Section 7.16, Transportation, and Initial Study Section 5.17, *Transportation* (included as Appendix A to the Draft EIR). As stated in the Draft EIR and Initial Study, all on-site drives would be developed in conformance with City design standards. Access to the Project site would be provided by a 27-foot-wide driveway along Prospect Avenue that would taper into a 28-foot-wide drive aisle. The driveway and drive aisle would be designed in compliance with the City’s design standards to provide for adequate turning for passenger cars, fire trucks, and delivery trucks. The design of the on-site circulation would be reviewed by the City’s traffic engineer to ensure that traffic conditions are safe in compliance with Section 5313, *Engineering Administration*, of the City’s Municipal Code. Thus, no further analysis regarding traffic safety is required.

Comment 18.3: This comment states that the proposed Project would result in increase cumulative impacts in combination with the nearby Enderle Center project and requests the Draft EIR be revised to address these impacts.

Response to Comment 18.3: This comment does not provide any substantial evidence that the proposed Project would result in a new significant environmental impact nor does this comment point out any errors, inconsistencies, or omissions of data or analyses indicating that the DEIR’s conclusions with respect to the topic raised are unsupported by substantial evidence. The Draft EIR prepared for the Project accurately analyzes potential cumulative impacts from the Project in conjunction with other industrial developments in the Project vicinity throughout the Draft EIR and specifically under the cumulative impacts section in each Chapter 5 section. The Draft EIR uses a combination of the list method and the projection method based on different topic areas. Table 5-1 of the Draft EIR lists cumulative projects utilized in the cumulative analysis of the Project. The list of cumulative projects was developed using a list of past, present and future projects within the Project vicinity.

While the City approved a recent zone change at the Enderle Center site to allow for residential development, no applications for development on the Enderle site had been received by the City, when the Notice of Preparation was released on May 30, 2025 and the baseline was established for the Cypress Grove Project. The Enderle Center site was identified as “candidate” site for possible future housing, along with other candidate housing sites as identified in the City’s 2021-2029 Housing Element. The Government Code section under which the “candidate” sites were identified expressly recognizes that development is not guaranteed. (Govt. Code § 65583(a)(3) [a housing element shall include an “inventory of land suitable and available for residential development, including vacant sites and sites having a realistic and demonstrates *potential* for redevelopment during the planning period” to meet the City’s assigned regional housing needs assessment allocation] [emphasis added].) The City’s Housing Element (and Housing Opportunity Overlay Zoning Districts) identified hundreds of acres of land, accommodating a *theoretical* 8,138 dwelling units. Those units were theoretical, and no housing was proposed at the Enderle Center site. A pre-application for a new project was submitted to the City in September 2025 for the Enderle site. However, because it was after the baseline for the Cypress Grove Project was established, analysis of potential development on the Enderle Center site is not required to be considered under the Draft EIR for this Project.

3. Mitigation Monitoring and Reporting Program

3.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report (EIR) has been certified, which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented. The City of Tustin is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

3.2 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plans, Programs, and Policies and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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Table 3-1: Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
AIR QUALITY				
<p>PPP AQ-1: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less. 	<p>Prior to grading permit approval; and during construction activities</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Community Development Dept. will confirm that this requirement appears in the construction specifications.</p>	<p>Initials: _____ Date: _____</p>
<p>PPP AQ-2: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>	<p>Prior to grading permit approval; and during construction activities</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Community Development Dept. will examine project contracts, plans, and specifications for this requirement and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>PPP AQ-3: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>Prior to grading or building permit approval; and during construction and operation</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Community Development Dept. will examine project plans and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>MM AQ-1: Tier 4 Construction Equipment. The Project shall utilize Tier 4 Final or superior equipment for engines exceeding 100 horsepower (hp). If Tier 4 Final equipment is not available for any specific equipment type, the construction contractor shall submit a written request to the City of Tustin for approval prior to the start of construction. This request must be supported by substantial evidence, such as equipment availability documentation, rental records, or market verification, demonstrating that Tier 4 Final equipment is not feasible. Potential alternative strategies may encompass the use of Tier 4 Interim equipment, reducing the number and/or horsepower rating of construction equipment, or limiting simultaneous equipment operation to ensure that the alternative strategies achieve the equivalent emissions reduction levels as Tier 4 Final equipment. All equipment must undergo tuning and adhere to the manufacturer’s recommended maintenance schedule and specifications. Maintenance records for each piece of equipment, along with those of their contractors, must be available for inspection and kept on-site for a minimum of two years following construction completion.</p>	<p>Prior to the start of construction</p>	<p>Project developers/ applicants, Construction contractor</p>	<p>The City Community Development Dept. will confirm that they received a written request for approval from the construction contractor.</p>	<p>Initials: _____ Date: _____</p>
<p>BIOLOGICAL RESOURCES</p>				
<p>PPP BIO-1: Street Trees. Installation of street trees shall occur in compliance with the City of Tustin City Code Article 7, Chapter 3, Section 7308.</p>	<p>Prior to grading and building permit approval; and during construction activities</p>	<p>Project developers/applicants and construction contractors</p>	<p>The City Community Development Dept. will approve landscape plan prior to issuance of grading permits.</p>	<p>Initials: _____ Date: _____</p>
<p>MM BIO-1: Migratory Bird Treaty Act. Prior to commencement of grading activities, the Building Division shall verify that, in the event that vegetation and tree removal activities occur within the active breeding season for birds (February 1–September 15), the Project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.</p> <p>The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be</p>	<p>Before commencement of grading activities</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Community Development Dept. will determine if surveys are needed prior to issuance of permits for grading activities based on the timeline and will examine project permitting for these requirements and</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>affected by Project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 feet for raptors and 300 feet for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.</p>			<p>monitor for compliance.</p>	
CULTURAL RESOURCES				
<p>PPP CUL-1 Human Remains. In the event that human remains are encountered on the Project site, work within 50 feet of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. Prior to the issuance of grading permits, the City Community Department Director, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.</p>	<p>Prior to the issuance of grading permits; during grading and construction activities</p>	<p>Project developers/applicants, construction contractors</p>	<p>City Community Development Department Director, or designee, will review project grading plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>PPP HYD-2 City of Tustin Grading Manual. The Project would be required to comply with the City of Tustin Grading Manual (1990). Implementation of grading manual standards would be verified by the City during the plan check and permitting process.</p>	<p>Prior to the issuance of grading permits</p>	<p>Project developers/applicants</p>	<p>The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>MM CUL-1 Inadvertent Discovery. In the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist from the City or County List of Qualified Archaeologists has evaluated the find to determine whether the find constitutes a “unique archaeological</p>	<p>Prior to grading permit approval; and during construction activities</p>	<p>Project developers/applicants and construction contractors</p>	<p>The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>resource,” as defined in Section 21083.2(g) of the California Public Resources Code. Any resources identified shall be treated in accordance with California Public Resources Code Section 21083.2(g).</p> <p>If the discovered resource(s) appears Native American in origin, a Native American Monitor shall be contacted to evaluate any potential tribal cultural resource(s) and shall have the opportunity to consult on appropriate treatment and curation of these resources. The discovery would also be reported to the City and the SCCIC.</p> <p>Prior to the issuance of any permits for ground-disturbing activities that include the excavation of soils (including as grading, excavation, and trenching), the City of Tustin shall ensure that all Project grading and construction plans and specifications include the requirement to halt construction activity and contact an archaeologist as specified above.</p>			and monitor for compliance.	
<p>MM HIST-1: Prior to the issuance of demolition or grading permits, the City of Tustin Planning Department shall verify that the Applicant has completed comprehensive archival documentation of the Tustin Financial Plaza. The documentation shall include high-resolution digital photographs taken from historically appropriate viewpoints. The photographs shall be taken from viewpoints consistent with the view guidelines contained within the HABS/HAER/HALS Photography Guidelines (June 2015). Additionally, the photographs shall be accompanied by the Project’s Historic Report that evaluates the local historical significance of the Tustin Financial Plaza. The full documentation package shall be submitted to and accepted by the City of Tustin Planning Department prior to issuance of a demolition or grading permit.</p> <p>The City shall post the materials to a permanent webpage on the City’s website for public viewing. Additionally, the City shall offer, in the form of donation, the archive to at least one local historic preservation organization, such as the Tustin Area Historical Museum, the Orange County Historical Society, or another comparable entity, prior to Project completion.</p>	Prior to the issuance of demolition or grading permits; prior to Project completion	Project developers/ applicants and City of Tustin Planning Department	City of Tustin Planning Department shall verify that the Applicant has completed comprehensive archival documentation of the Tustin Financial Plaza; The City shall post the materials to a permanent webpage on the City’s website and offer, in the form of donation, the archive to at least one local historic preservation organization	Initials: _____ Date: _____
ENERGY				

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>PPP E-1 CALGreen Compliance: The Project is required to comply with the CALGreen Building Standards Code pursuant to Tustin City Code Section 8100 to ensure efficient use of energy. CALGreen specifications are required to be incorporated into building plans as a condition of building permit approval.</p>	<p>Prior to building permit approval</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Building Division will review Project plans and specifications for these requirements and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>
GEOLOGY AND SOILS				
<p>PPP GEO-1 California Building Code: The project is required to comply with the CBC as included in the City’s Tustin City Code 8100 to preclude significant adverse effects associated with seismic hazards. CBC related and geologist and/or civil engineer specifications and recommendations for the Project such as remedial grading are required to be incorporated into grading plans and specifications as a condition of Project approval.</p>	<p>Prior to grading and building permit approval</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Building Division will examine project contracts, plans, and specifications for these requirements and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>MM PAL-1 Paleontological Resources Monitoring Program. Prior to issuance of a grading permit, a Paleontological Resources Impact Mitigation Plan (PRIMP) shall be implemented to ensure monitoring of earth disturbance activities.</p> <p>Further, the City of Tustin Building Division shall verify that all Project grading and construction plans and specifications state that in the event that potential paleontological resources are discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer so as to protect the discovery from further potential damage until a qualified paleontologist (i.e., a practicing paleontologist that is recognized in the paleontological community and is proficient in vertebrate paleontology) from the City or County List of Qualified Paleontologists has evaluated the find in accordance with federal and state regulations. Construction personnel shall not collect or move any paleontological materials and associated materials.</p> <p>The Paleontological Resources Impact Mitigation Plan (PRIMP), which will include notification of appropriate personnel involved and monitoring of earth disturbance activities shall include the following:</p>	<p>Prior to issuance of a grading permit</p>	<p>Project developers/ applicants</p>	<p>City of Tustin Building Division will examine project grading plans, construction plans, and specifications for these requirements and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<ol style="list-style-type: none"> 1. Monitoring of mass grading and excavation activities on the Project site shall be performed by a qualified paleontologist or paleontological monitor. Monitoring will be conducted full-time in areas of grading or excavation in undisturbed sedimentary deposits. 2. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or, if present, are determined on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. 3. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils will be collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils will be collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld GPS units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's 				

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>construction equipment may be solicited to help remove the jacket to a safe location.</p> <p>4. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of species, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material to check for the presence of invertebrates.</p> <p>5. In accordance with the “Microfossil Salvage” section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil “microvertebrates” to test the feasibility of the deposit to yield fossil bones and teeth. If indicators of potential microvertebrate fossils are found, screening of a test sample (approximately 600 pounds) is recommended, according to the Society of Vertebrate Paleontology guidelines. If feasible, wet screening shall be conducted on the project site. If screening yields significant fossils, then removing and processing a “standard sample” of 6,000 pounds shall be performed.</p> <p>6. In the laboratory, individual fossils will be cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, will be stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).</p> <p>7. Recovered specimens are prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p> <p>8. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent</p>				

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>retrievable storage (e.g., the Los Angeles County Museum of Natural History or the Orange County Parks' Cooper Center) shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the lead agency (e.g., the City of Tustin) will be consulted on the repository/museum to receive the fossil material.</p> <p>9. A final report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.</p>				
HAZARDS AND HAZARDOUS MATERIALS				
<p>PPP HAZ-1 SCAQMD Rule 1403, Asbestos. Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building Division that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leaktight containers or wrapping, and proper disposal.</p>	<p>Prior to issuance of demolition permits</p>	<p>Project developers/ applicants</p>	<p>The City Building Division will review Project asbestos survey and specifications for these requirements and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>PPP HAZ-2 Lead Based Paint. Prior to issuance of demolition permits, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of leadbased paint and worker safety related to lead exposure. CalOSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and</p>	<p>Prior to issuance of demolition permits</p>	<p>Project developers/ applicants</p>	<p>The City Building Division will review Project plans and specifications for these requirements and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
respiratory protection, and mandates good working practices by workers exposed to lead.				
<p>PPP HYD-1 SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.</p>	Prior to grading or demolition/building permit approval	Project developers/ applicants and construction contractors	The City Public Works and Community Development Departments will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
<p>PPP T-1 Traffic Control/Utilities. Prior to commencing construction within the City public right-of-way (including utility work), the Project shall be subject to the traffic control standards specified by the City’s latest Standard Plans and Design Standards, which includes the requirement for Traffic Control Plan during construction.</p>	Prior to commencing construction within the City public right-of-way	Project developers/ applicants and construction contractors	The City Public Works Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
HYDROLOGY AND WATER QUALITY				
<p>PPP HYD-1 SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.</p>	Prior to grading or demolition/building permit approval	Project developers/ applicants and construction contractors	The City Public Works and Community Development Departments will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
<p>PPP HYD-2 City of Tustin Grading Manual. The Project would be required to comply with the City of Tustin Grading Manual (1990). Implementation of grading manual standards would be verified by the City during the plan check and permitting process.</p>	Prior to the issuance of grading permits	Project developers/applicants	The City Community Development Dept. will review project plans and specifications to	Initials: _____ Date: _____

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
			ensure these requirements are met and would monitor to verify compliance.	
PPP HYD-3 WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the Project applicant and submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development Project in order to minimize the adverse effects on receiving waters.	Prior to grading permit approval	Project developers/ applicants and construction contractors	The City Public Works Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
NOISE				
PPP NOI-1: Construction Hours. Per the Tustin City Code Section 4616, construction activities are allowed only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and between 9:00 a.m. to 5:00 p.m. on Saturdays with no activity allowed on Sundays and City-observed federal holiday.	During construction	Project developer/ Construction contractor/ City of Tustin Building Department	The City Community Development Dept. will enforce grading and construction permitting; and monitor for compliance.	Initials: _____ Date: _____
PUBLIC SERVICES				
PPP R-1 City Park Requirements. Tustin City Code Section 9331 – Dedications, Reservations and Development Fees. To implement the Conservation/Open Space/Recreation Element of the General Plan which contains policies and standards for parks and recreational facilities, the subdivider shall dedicate land or pay a fee in lieu thereof, or a combination of both, at the option of the City except as otherwise provided in Government Code Section 66477, for the purpose of developing new or rehabilitating existing neighborhood or community parks and recreational facilities to serve the subdivision, and in accordance with the standards and formula contained in the section.	Prior to grading and building permit approval	Project developers/ applicants	The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
RECREATION				
PPP R-1 City Park Requirements. Tustin City Code Section 9331 – Dedications, Reservations and Development Fees. To implement the Conservation/Open Space/Recreation Element of the	Prior to grading and building permit approval	Project developers/ applicants	The City Community Development Dept. will review project	Initials: _____

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>General Plan which contains policies and standards for parks and recreational facilities, the subdivider shall dedicate land or pay a fee in lieu thereof, or a combination of both, at the option of the City except as otherwise provided in Government Code Section 66477, for the purpose of developing new or rehabilitating existing neighborhood or community parks and recreational facilities to serve the subdivision, and in accordance with the standards and formula contained in the section.</p>			<p>plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Date: _____</p>
TRANSPORTATION				
<p>PPP T-1 Traffic Control/Utilities. Prior to commencing construction within the City public right-of-way (including utility work), the Project shall be subject to the traffic control standards specified by the City's latest Standard Plans and Design Standards, which includes the requirement for Traffic Control Plan during construction.</p>	<p>Prior to commencing construction within the City public right-of-way</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Public Works Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>
TRIBAL CULTURAL RESOURCES				
<p>PPP TCR-1: Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods.</p>	<p>Prior to grading or demolition/building permit approval</p>	<p>Project developers/ applicant, construction contractors</p>	<p>The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>PPP CUL-1: Human Remains. In the event that human remains are encountered on the Project site, work within 50 feet of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. Prior to the issuance of grading permits, the City Community Development Department Director, or designee, shall verify that all grading plans specify the requirements of CCR Section</p>	<p>Prior to the issuance of grading permits; during grading and construction activities</p>	<p>Project developers/applicants, construction contractors</p>	<p>City Community Development Department Director, or designee, will review project grading plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.				
<p>TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>a. Prior to the issuance of demolition or grading permits for any projects that would disturb previously undisturbed soils (native soils) or soils that have native fill, the project applicant/developer shall retain a Native American Monitor, with first preference given to the Gabrieleño Band of Mission Indians – Kizh Nation, who responded to the City’s request for consultation on April 4, 2025 (first preference Tribe, Tribe). The applicant/developer shall allow 45 days from the initial contact with the first preference tribe to enter into a contract for monitoring services. If the applicant/developer is unable to contact the Kizh Nation after three documented attempts or is unable to secure an agreement, the applicant shall report to the lead agency, and the lead agency will contact the Kizh Nation to validate that the parties were unable to enter into an agreement. The applicant/developer shall have made three documented attempts to directly contact the Kizh Nation to enter into a tribal monitoring agreement. If the applicant/developer can demonstrate they were unable to secure an agreement with the first preference tribe, as validated and documented by the Community Development Department in writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe if approved by the City.</p> <p>The monitor shall be retained prior to the issuance of a demolition permit or grading permit, and the commencement of any development related “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall</p>	<p>Prior to grading or demolition/building permit approval; and during grading and demolition activities</p>	<p>Project developers/ applicant, construction contractors, Native American Monitor</p>	<p>The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>include, but is not limited to, demolition, pavement removal, auguring, grubbing, boring, grading, excavation, drilling, and trenching for the purposes of reconstruction and new development. "Ground-disturbing activity" shall not include minor maintenance activities such as potholing, tree removal, and parking lot maintenance.</p> <p>b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Kizh Nation. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the consulting tribe. If a monitor is selected from a tribe other than the Kizh Nation, the Kizh Nation shall be contacted if any discoveries are found.</p> <p>d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the consulting tribe from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities and that have the potential to impact local TCRs on the project site or in connection with the project are complete.</p>				
<p>TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all construction activities in the immediate vicinity of the</p>	<p>During grading</p>	<p>Project developers/ applicant, construction</p>	<p>The City Community Development Dept. will review project</p>	<p>Initials: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the tribal monitor and consulting archaeologist. If the consulting tribe is other than the Gabrieleño Band of Mission Indians – Kizh Nation, the Kizh Nation shall be contacted and the consulting tribe will recover and retain all discovered TCRs in the form and/or manner the Kizh Nation deems appropriate, in the Kizh Nation sole discretion, and for any purpose the Kizh Nation deems appropriate, including for educational, cultural and/or historic purposes.</p>		<p>contractors, Native American Monitor</p>	<p>plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Date: _____</p>
<p>TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p> <ul style="list-style-type: none"> a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. b. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. c. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. e. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance. 	<p>During grading</p>	<p>Project developers/ applicant, construction contractors, Native American Monitor</p>	<p>The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>
WILDFIRE				
<p>PPP T-1 Traffic Control/Utilities. Prior to commencing construction within the City public right-of-way (including utility work), the Project shall be subject to the traffic control standards specified by the City’s latest Standard Plans and Design Standards, which</p>	<p>Prior to commencing construction within the City public right-of-way</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Public Works Dept. will review project plans and specifications to ensure these requirements are met</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
includes the requirement for Traffic Control Plan during construction.			and would monitor to verify compliance.	